

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1-D

Amendment No. ____ (for drafter's use only)

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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ORIGINAL STAMP BELOW

The Conference Committee on HB 1-D offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

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

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

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

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

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

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

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

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

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

27 (5) EDUCATION GOVERNANCE TRANSFERS.--

28 (a) Effective July 1, 2001:

29 1. The Board of Regents is abolished.

30 2. All of the powers, duties, functions, records,
31 personnel, and property; unexpended balances of

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

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

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

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

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

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

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

28 (b) All rules of the State Board of Education, the
29 Commissioner of Education, and the Department of Education,
30 and all rules of the district school boards, the community
31 college boards of trustees, and the state university boards of

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1 trustees, in effect on January 2, 2003, remain in effect until
2 specifically amended or repealed in the manner provided by
3 law.

4 (c) Effective January 7, 2003:

5 1. The administrative rules of the Department of
6 Education and the Commissioner of Education shall become the
7 rules of the State Board of Education.

8 2. The administrative rules of the State Board of
9 Education shall become the rules of the appointed State Board
10 of Education.

11 (d) All administrative rules of the State Board of
12 Education, the Commissioner of Education, and the Department
13 of Education are transferred by a type two transfer, as
14 defined in s. 20.06(2), Florida Statutes, to the appointed
15 State Board of Education.

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

25 Section 4. Section 1000.02, Florida Statutes, is
26 created to read:

27 1000.02 Policy and guiding principles for the Florida
28 K-20 education system.--

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

30 (a) To achieve within existing resources a seamless
31 academic educational system that fosters an integrated

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1 continuum of kindergarten through graduate school education
2 for Florida's students.

3 (b) To promote enhanced academic success and funding
4 efficiency of educational delivery systems by aligning
5 responsibility with accountability.

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

8 (d) To provide substantially improved articulation
9 across all educational delivery systems.

10 (e) To provide for the decentralization of authority
11 to the schools, community colleges, universities, and other
12 education institutions that deliver educational services to
13 the public.

14 (f) To ensure that independent education institutions
15 and home education programs maintain their independence,
16 autonomy, and nongovernmental status.

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

19 (a) A coordinated, seamless system for kindergarten
20 through graduate school education.

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

22 (c) A system that maximizes education access and
23 allows the opportunity for a high quality education for all
24 Floridians.

25 (d) A system that safeguards equity and supports
26 academic excellence.

27 (e) A system that provides for local operational
28 flexibility while promoting accountability for student
29 achievement and improvement.

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

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1 1000.03 Function, mission, and goals of the Florida
2 K-20 education system.--

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

10 (2)(a) The Legislature shall establish education
11 policy, enact education laws, and appropriate and allocate
12 education resources.

13 (b) The State Board of Education shall oversee the
14 enforcement of all laws and rules, and the timely provision of
15 direction, resources, assistance, intervention when needed,
16 and strong incentives and disincentives to force
17 accountability for results.

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

25 (3) Public education is a cooperative function of the
26 state and local educational authorities. The state retains
27 responsibility for establishing a system of public education
28 through laws, standards, and rules to assure efficient
29 operation of a K-20 system of public education and adequate
30 educational opportunities for all individuals. Local
31 educational authorities have a duty to fully and faithfully

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1 comply with state laws, standards, and rules and to
2 efficiently use the resources available to them to assist the
3 state in allowing adequate educational opportunities.

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

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

12 (a) Learning and completion at all levels, including
13 increased high school graduation rate and readiness for
14 postsecondary education without remediation.--All students
15 demonstrate increased learning and completion at all levels,
16 graduate from high school, and are prepared to enter
17 postsecondary education without remediation.

18 (b) Student performance.--Students demonstrate that
19 they meet the expected academic standards consistently at all
20 levels of their education.

21 (c) Alignment of standards and resources.--Academic
22 standards for every level of the K-20 education system are
23 aligned, and education financial resources are aligned with
24 student performance expectations at each level of the K-20
25 education system.

26 (d) Educational leadership.--The quality of
27 educational leadership at all levels of K-20 education is
28 improved.

29 (e) Workforce education.--Workforce education is
30 appropriately aligned with the skills required by the new
31 global economy.

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

11 Section 6. Section 1000.04, Florida Statutes, is
12 created to read:

13 1000.04 Components for the delivery of public
14 education within the Florida K-20 education system.--Florida's
15 K-20 education system provides for the delivery of public
16 education through publicly supported and controlled K-12
17 schools, community colleges, state universities and other
18 postsecondary educational institutions, other educational
19 institutions, and other educational services as provided or
20 authorized by the Constitution and laws of the state.

21 (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools
22 include charter schools and consist of kindergarten classes;
23 elementary, middle, and high school grades and special
24 classes; workforce development education; area technical
25 centers; adult, part-time, career and technical, and evening
26 schools, courses, or classes, as authorized by law to be
27 operated under the control of district school boards; and lab
28 schools operated under the control of state universities.

29 (2) PUBLIC POSTSECONDARY EDUCATIONAL
30 INSTITUTIONS.--Public postsecondary educational institutions
31 include workforce development education; community colleges;

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1 colleges; state universities; and all other state-supported
2 postsecondary educational institutions that are authorized and
3 established by law.

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

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

11 Section 7. Section 1000.05, Florida Statutes, is
12 created to read:

13 1000.05 Discrimination against students and employees
14 in the Florida K-20 public education system prohibited;
15 equality of access required.--

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

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

29 (b) The criteria for admission to a program or course
30 shall not have the effect of restricting access by persons of
31 a particular race, ethnicity, national origin, gender,

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1 disability, or marital status.

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

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

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

24 (3)(a) No person shall, on the basis of gender, be
25 excluded from participating in, be denied the benefits of, or
26 be treated differently from another person or otherwise be
27 discriminated against in any interscholastic, intercollegiate,
28 club, or intramural athletics offered by a public K-20
29 educational institution; and no public K-20 educational
30 institution shall provide athletics separately on such basis.

31 (b) Notwithstanding the requirements of paragraph (a),

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

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

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

25 1. Whether the selection of sports and levels of
26 competition effectively accommodate the interests and
27 abilities of members of both genders.

28 2. The provision of equipment and supplies.

29 3. Scheduling of games and practice times.

30 4. Travel and per diem allowances.

31 5. Opportunities to receive coaching and academic

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1 tutoring.

2 6. Assignment and compensation of coaches and tutors.

3 7. Provision of locker room, practice, and competitive
4 facilities.

5 8. Provision of medical and training facilities and
6 services.

7 9. Provision of housing and dining facilities and
8 services.

9 10. Publicity.

10

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

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

22 (4) Educational institutions within the state public
23 K-20 education system shall develop and implement methods and
24 strategies to increase the participation of students of a
25 particular race, ethnicity, national origin, gender,
26 disability, or marital status in programs and courses in which
27 students of that particular race, ethnicity, national origin,
28 gender, disability, or marital status have been traditionally
29 underrepresented, including, but not limited to, mathematics,
30 science, computer technology, electronics, communications
31 technology, engineering, and career and technical education.

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

3 (6) The functions of the Office of Equal Educational
4 Opportunity of the Department of Education shall include, but
5 are not limited to:

6 (a) Requiring all district school boards, community
7 college boards of trustees, and state university boards of
8 trustees to develop and submit plans for the implementation of
9 this section to the Department of Education.

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

16 (c) Providing technical assistance, including
17 assisting public K-20 educational agencies in identifying
18 unlawful discrimination and instructing them in remedies for
19 correction and prevention of such discrimination and
20 performing followup monitoring.

21 (d) Conducting studies of the effectiveness of methods
22 and strategies designed to increase the participation of
23 students in programs and courses in which students of a
24 particular race, ethnicity, national origin, gender,
25 disability, or marital status have been traditionally
26 underrepresented and monitoring the success of students in
27 such programs or courses, including performing followup
28 monitoring.

29 (e) Requiring all district school boards, community
30 college boards of trustees, and state university boards of
31 trustees to submit data and information necessary to determine

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1 compliance with this section. The Commissioner of Education
2 shall prescribe the format and the date for submission of such
3 data and any other educational equity data. If any board does
4 not submit the required compliance data or other required
5 educational equity data by the prescribed date, the
6 commissioner shall notify the board of this fact and, if the
7 board does not take appropriate action to immediately submit
8 the required report, the State Board of Education shall impose
9 monetary sanctions.

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

24 (g) Reporting to the Commissioner of Education any
25 district school board, community college board of trustees, or
26 state university board of trustees found to be out of
27 compliance with rules of the State Board of Education adopted
28 as required by paragraph (f) or paragraph (3)(d). To penalize
29 the board, the State Board of Education shall:

30 1. Declare the educational agency ineligible for
31 competitive state grants.

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

4
5 The educational agency shall remain ineligible and the funds
6 shall not be paid until the agency comes into compliance or
7 the State Board of Education approves a plan for compliance.

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

13 Section 8. Section 1000.06, Florida Statutes, is
14 created to read:

15 1000.06 Display of flags.--Every public K-20
16 educational institution that is provided or authorized by the
17 Constitution and laws of Florida shall display daily the flag
18 of the United States and the official flag of Florida when the
19 weather permits upon one building or on a suitable flagstaff
20 upon the grounds of each public postsecondary educational
21 institution and upon every district school board building or
22 grounds except when the institution or school is closed for
23 vacation, provided that, if two or more buildings are located
24 on the same or on adjacent sites, one flag may be displayed
25 for the entire group of buildings.

26 Section 9. Part II of chapter 1000, Florida Statutes,
27 shall be entitled "Systemwide Definitions" and shall consist
28 of s. 1000.21.

29 Section 10. Section 1000.21, Florida Statutes, is
30 created to read:

31 1000.21 Systemwide definitions.--As used in the

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1 Florida K-20 Education Code:

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

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

10 (3) "Community college," except as otherwise
11 specifically provided, includes the following institutions and
12 any branch campuses, centers, or other affiliates of the
13 institution:

14 (a) Brevard Community College.

15 (b) Broward Community College.

16 (c) Central Florida Community College.

17 (d) Chipola Junior College.

18 (e) Daytona Beach Community College.

19 (f) Edison Community College.

20 (g) Florida Community College at Jacksonville.

21 (h) Florida Keys Community College.

22 (i) Gulf Coast Community College.

23 (j) Hillsborough Community College.

24 (k) Indian River Community College.

25 (l) Lake City Community College.

26 (m) Lake-Sumter Community College.

27 (n) Manatee Community College.

28 (o) Miami-Dade Community College.

29 (p) North Florida Community College.

30 (q) Okaloosa-Walton Community College.

31 (r) Palm Beach Community College.

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

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

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

13 Section 12. Section 1000.31, Florida Statutes, is
14 created to read:

15 1000.31 Regional education; state policy.--It is
16 hereby declared to be the policy of the state to promote the
17 development and maintenance of regional education services and
18 facilities in the Southern States in the professional,
19 technological, scientific, literary and other fields so as to
20 provide greater educational advantages for the citizens of the
21 state and the citizens in the several states in said region;
22 and it is found and determined by the Legislature of the state
23 that greater educational advantages and facilities for the
24 citizens of the state in certain phases of the professional,
25 technological, scientific, literary and other fields in
26 education can best be accomplished by the development and
27 maintenance of regional educational services and facilities,
28 under the plan embodied in "The Regional Pact" hereinafter
29 adopted; and this law shall be liberally construed to
30 accomplish such purposes.

31 Section 13. Section 1000.32, Florida Statutes, is

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1 created to read:

2 1000.32 Regional compact.--The compact entered into by
3 the state and other Southern States by and through their
4 respective governors on February 8, 1948, as amended, relative
5 to the development and maintenance of regional education
6 services and schools in the Southern States in the
7 professional, technological, scientific, literary and other
8 fields so as to promote greater educational facilities for the
9 citizens of the several states who reside in said region, a
10 copy of said compact, as amended, being as follows:

11
12 THE REGIONAL COMPACT

13 (as amended)
14

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

23 WHEREAS, Meharry Medical College of Nashville,
24 Tennessee, has proposed that its lands, buildings, equipment,
25 and the net income from its endowment be turned over to the
26 Southern States, or to an agency acting in their behalf, to be
27 operated as a regional institution for medical, dental and
28 nursing education upon terms and conditions to be hereafter
29 agreed upon between the Southern States and Meharry Medical
30 College, which proposal, because of the present financial
31 condition of the institution, has been approved by the said

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1 states who are parties hereto; and

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

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

20 The states do further hereby establish and create a
21 joint agency which shall be known as the Board of Control for
22 Southern Regional Education (hereinafter referred to as the
23 "board"), the members of which board shall consist of the
24 governor of each state, ex officio, and four additional
25 citizens of each state to be appointed by the governor
26 thereof, at least one of whom shall be selected from the field
27 of education, and at least one of whom shall be a member of
28 the legislature of that state. The governor shall continue as
29 a member of the board during his or her tenure of office as
30 governor of the state, but the members of the board appointed
31 by the governor shall hold office for a period of four years

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

29 It shall be the duty of the board to submit plans and
30 recommendations to the states from time to time for their
31 approval and adoption by appropriate legislative action for

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

18 In addition to the power and authority heretofore
19 granted, the board shall have the power to enter into such
20 agreements or arrangements with any of the states and with
21 educational institutions or agencies, as may be required in
22 the judgment of the board, to provide adequate services and
23 facilities for the graduate, professional, and technical
24 education for the benefit of the citizens of the respective
25 states residing within the region, and such additional and
26 general power and authority as may be vested in the board from
27 time to time by legislative enactment of the said states.

28 Any two or more states who are parties of this compact
29 shall have the right to enter into supplemental agreements
30 providing for the establishment, financing and operation of
31 regional educational institutions for the benefit of citizens

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1 residing within an area which constitutes a portion of the
2 general region herein created, such institutions to be
3 financed exclusively by such states and to be controlled
4 exclusively by the members of the board representing such
5 states provided such agreement is submitted to and approved by
6 the board prior to the establishment of such institutions.

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

19 This compact shall not take effect or be binding upon
20 any state unless and until it shall be approved by proper
21 legislative action of as many as six or more of the states
22 whose governors have subscribed hereto within a period of
23 eighteen months from the date hereof. When and if six or more
24 states shall have given legislative approval to this compact
25 within said eighteen months period, it shall be and become
26 binding upon such six or more states sixty days after the date
27 of legislative approval by the sixth state and the governors
28 of such six or more states shall forthwith name the members of
29 the board from their states as hereinabove set out, and the
30 board shall then meet on call of the governor of any state
31 approving this compact, at which time the board shall elect

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1 officers, adopt bylaws, appoint committees and otherwise fully
2 organize. Other states whose names are subscribed hereto
3 shall thereafter become parties hereto upon approval of this
4 compact by legislative action within two years from the date
5 hereof, upon such conditions as may be agreed upon at the
6 time. Provided, however, that with respect to any state whose
7 constitution may require amendment in order to permit
8 legislative approval of the compact, such state or states
9 shall become parties hereto upon approval of this compact by
10 legislative action within seven years from the date hereof,
11 upon such conditions as may be agreed upon at the time.

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

26 If any state shall at any time become in default in the
27 performance of any of its obligations assumed herein or with
28 respect to any obligation imposed upon said state as
29 authorized by and in compliance with the terms and provisions
30 of this compact, all rights, privileges and benefits of such
31 defaulting state, its members on the board and its citizens

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

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

20 STATE OF FLORIDA BY Millard F. Caldwell, Governor.
21 STATE OF MARYLAND BY Wm. Preston Lane, Jr., Governor. STATE
22 OF GEORGIA BY M. E. Thompson, Governor. STATE OF LOUISIANA
23 BY J. H. Davis, Governor. STATE OF ALABAMA BY James E.
24 Folsom, Governor. STATE OF MISSISSIPPI BY F. L. Wright,
25 Governor. STATE OF TENNESSEE BY Jim McCord, Governor. STATE
26 OF ARKANSAS BY Ben Laney, Governor. COMMONWEALTH OF VIRGINIA
27 BY Wm. M. Tuck, Governor. STATE OF NORTH CAROLINA BY R. Gregg
28 Cherry, Governor. STATE OF SOUTH CAROLINA BY J. Strom
29 Thurmond, Governor. STATE OF TEXAS BY Beauford H. Jester,
30 Governor. STATE OF OKLAHOMA BY Roy J. Turner, Governor. STATE
31 OF WEST VIRGINIA BY Clarence W. Meadows, Governor.

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1
2 be and the same is hereby approved and the State of Florida is
3 hereby declared to be a party to said compact and the
4 agreements, covenants and obligations contained therein are
5 hereby declared to be binding upon the State of Florida.

6 Section 14. Section 1000.33, Florida Statutes, is
7 created to read:

8 1000.33 Copies to other states approving.--After the
9 effective date of this law the Secretary of State of Florida
10 shall furnish to each of the states approving the said compact
11 an engrossed copy of this bill.

12 Section 15. Section 1000.34, Florida Statutes, is
13 created to read:

14 1000.34 Member jurisdictions.--The compact for
15 education is entered into with all jurisdictions legally
16 joining therein and enacted into law in the following form:

17
18 COMPACT FOR EDUCATION

19
20 ARTICLE I

21
22 PURPOSE AND POLICY.--

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

24 1. Establish and maintain close cooperation and
25 understanding among executive, legislative, professional
26 educational and lay leadership on a nationwide basis at the
27 state and local levels.

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

31 3. Provide a clearinghouse of information on matters

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

9 4. Facilitate the improvement of state and local
10 educational systems so that all of them will be able to meet
11 adequate and desirable goals in a society which requires
12 continuous qualitative and quantitative advance in educational
13 opportunities, methods and facilities.

14 B. It is the policy of this compact to encourage and
15 promote local and state initiative in the development,
16 maintenance, improvement and administration of educational
17 systems and institutions in a manner which will accord with
18 the needs and advantages of diversity among localities and
19 states.

20 C. The party states recognize that each of them has an
21 interest in the quality and quantity of education furnished in
22 each of the other states, as well as in the excellence of its
23 own educational systems and institutions, because of the
24 highly mobile character of individuals within the nation, and
25 because the products and services contributing to the health,
26 welfare and economic advancement of each state are supplied in
27 significant part by persons educated in other states.

28
29 ARTICLE II

30
31 STATE DEFINED.--

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1 As used in this compact, "state" means a state,
2 territory, or possession of the United States, the District of
3 Columbia, or the Commonwealth of Puerto Rico.

4
5 ARTICLE III

6
7 THE COMMISSION.--

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

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

15 C. The commission shall have a seal.

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

24 E. Irrespective of the civil service, personnel or
25 other merit system laws of any of the party states, the
26 executive director, subject to the approval of the steering
27 committee, shall appoint, remove or discharge such personnel
28 as may be necessary for the performance of the functions of
29 the commission, and shall fix the duties and compensation of
30 such personnel. The commission in its bylaws shall provide
31 for the personnel policies and programs of the commission.

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1 F. The commission may borrow, accept or contract for
2 the services of personnel from any party jurisdiction, the
3 United States, or any subdivision or agency of the
4 mentioned governments, or from any agency of two or more
5 of the party jurisdictions or their subdivisions.

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

19 H. The commission may establish and maintain such
20 facilities as may be necessary for the transacting of its
21 business. The commission may acquire, hold, and convey real
22 and personal property and any interest therein.

23 I. The commission shall adopt bylaws for the conduct
24 of its business and shall have the power to amend and rescind
25 these bylaws. The commission shall publish its bylaws in
26 convenient form and shall file a copy thereof and a copy of
27 any amendment thereto, with the appropriate agency or officer
28 in each of the party states.

29 J. The commission annually shall make to the governor
30 and legislature of each party state a report covering the
31 activities of the commission for the preceding year. The

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1 commission may make such additional reports as it may deem
2 desirable.

4 ARTICLE IV

6 POWERS.--

7 In addition to authority conferred on the commission by
8 other provisions of the compact, the commission shall have
9 authority to:

10 1. Collect, correlate, analyze and interpret
11 information and data concerning educational needs and
12 resources.

13 2. Encourage and foster research in all aspects of
14 education, but with special reference to the desirable scope
15 of instruction, organization, administration, and
16 instructional methods and standards employed or suitable for
17 employment in public educational systems.

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

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

27 5. Formulate suggested policies and plans for the
28 improvement of public education as a whole, or for any segment
29 thereof, and make recommendations with respect thereto
30 available to the appropriate governmental units, agencies and
31 public officials.

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1 6. Do such other things as may be necessary or
2 incidental to the administration of any of its authority or
3 functions pursuant to this compact.

4
5 ARTICLE V

6
7 COOPERATION WITH FEDERAL GOVERNMENT.--

8 A. If the laws of the United States specifically so
9 provide, or if administrative provision is made therefor
10 within the federal government, the United States may be
11 represented on the commission by not to exceed ten
12 representatives. Any such representative or representatives
13 of the United States shall be appointed and serve in such
14 manner as may be provided by or pursuant to federal law, and
15 may be drawn from any one or more branches of the federal
16 government, but no such representative shall have a vote on
17 the commission.

18 B. The commission may provide information and make
19 recommendations to any executive or legislative agency or
20 officer of the federal government concerning the common
21 educational policies of the states, and may advise with any
22 such agencies or officers concerning any matter of mutual
23 interest.

24
25 ARTICLE VI

26
27 COMMITTEES.--

28 A. To assist in the expeditious conduct of its
29 business when the full commission is not meeting, the
30 commission shall elect a steering committee of thirty-two
31 members which, subject to the provisions of this compact and

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1 consistent with the policies of the commission, shall be
2 constituted and function as provided in the bylaws of the
3 commission. One-fourth of the voting membership of the
4 steering committee shall consist of governors, one-fourth
5 shall consist of legislators, and the remainder shall consist
6 of other members of the commission. A federal representative
7 on the commission may serve with the steering committee, but
8 without vote. The voting members of the steering committee
9 shall serve for terms of two years, except that members
10 elected to the first steering committee of the commission
11 shall be elected as follows: sixteen for one year and sixteen
12 for two years. The chair, vice chair, and treasurer of the
13 commission shall be members of the steering committee and,
14 anything in this paragraph to the contrary notwithstanding,
15 shall serve during their continuance in these offices.
16 Vacancies in the steering committee shall not affect its
17 authority to act, but the commission at its next regularly
18 ensuing meeting following the occurrence of any vacancy shall
19 fill it for the unexpired term. No person shall serve more
20 than two terms as a member of the steering committee; provided
21 that service for a partial term of one year or less shall not
22 be counted toward the two term limitations.

23 B. The commission may establish advisory and technical
24 committees composed of state, local, and federal officials,
25 and private persons to advise it with respect to any one or
26 more of its functions. Any advisory or technical committee
27 may, on request of the states concerned, be established to
28 consider any matter of special concern to two or more of the
29 party states.

30 C. The commission may establish such additional
31 committees as its bylaws may provide.

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ARTICLE VII

FINANCE.--

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

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

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

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts

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1 and disbursements of funds handled by the commission shall be
2 audited yearly by a qualified public accountant, and the
3 report of the audit shall be included in and become part of
4 the annual reports of the commission.

5 E. The accounts of the commission shall be open at any
6 reasonable time for inspection by duly constituted officers of
7 the party states and by any persons authorized by the
8 commission.

9 F. Nothing contained herein shall be construed to
10 prevent commission compliance with laws relating to audit or
11 inspection of accounts by or on behalf of any government
12 contributing to the support of the commission.

13
14 ARTICLE VIII

15
16 ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.--

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

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

28 C. Adoption of the compact may be either by enactment
29 thereof or by adherence thereto by the governor; provided that
30 in the absence of enactment, adherence by the governor shall
31 be sufficient to make his or her state a party only until

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1 December 31, 1967. During any period when a state is
2 participating in this compact through gubernatorial action,
3 the governor shall appoint those persons who, in addition to
4 himself or herself, shall serve as the members of the
5 commission from his or her state, and shall provide to the
6 commission an equitable share of the financial support of the
7 commission from any source available to him or her.

8 D. Except for a withdrawal effective on December 31,
9 1967, in accordance with paragraph C of this article, any
10 party state may withdraw from this compact by enacting a
11 statute repealing the same, but no such withdrawal shall take
12 effect until one year after the governor of the withdrawing
13 state has given notice in writing of the withdrawal to the
14 governors of all other party states. No withdrawal shall
15 affect any liability already incurred by or chargeable to a
16 party state prior to the time of such withdrawal.

17
18 ARTICLE IX

19
20 CONSTRUCTION AND SEVERABILITY.--

21 This compact shall be liberally construed so as to
22 effectuate the purposes thereof. The provisions of this
23 compact shall be severable, and if any phrase, clause,
24 sentence or provision of this compact is declared to be
25 contrary to the constitution of any state or of the United
26 States, or the application thereof to any government, agency,
27 person or circumstance is held invalid, the validity of the
28 remainder of this compact and the applicability thereof to any
29 government, agency, person or circumstance shall not be
30 affected thereby. If this compact shall be held contrary to
31 the constitution of any state participating therein, the

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1 compact shall remain in full force and effect as to the state
2 affected as to all severable matters.

3 Section 16. Chapter 1001, Florida Statutes, shall be
4 entitled "K-20 Governance" and shall consist of ss.
5 1001.01-1001.75.

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

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

12 Section 19. Section 1001.01, Florida Statutes, is
13 created to read:

14 1001.01 State Board of Education generally.--

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

25 (2) The State Board of Education shall select a chair
26 and a vice chair from its appointed members. The chair shall
27 serve a 2-year term and may be reselected for one additional
28 consecutive term.

29 (3) Four members of the State Board of Education shall
30 constitute a quorum. No business may be transacted at any
31 meeting unless a quorum is present.

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1 Section 20. Section 1001.02, Florida Statutes, is
2 created to read:

3 1001.02 General powers of State Board of Education.--

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

14 (2) The State Board of Education has the following
15 duties:

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

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

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

29 (d) To adopt for state universities and community
30 colleges, and from time to time modify, minimum and uniform
31 standards of college-level communication and computation

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1 skills generally associated with successful performance and
2 progression through the baccalaureate level and to identify
3 college-preparatory high school coursework and
4 postsecondary-level coursework that prepares students with the
5 academic skills necessary to succeed in postsecondary
6 education.

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

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

22 (g) To approve plans for cooperating with the Federal
23 Government.

24 (h) To approve plans for cooperating with other public
25 agencies in the development of rules and in the enforcement of
26 laws for which the state board and such agencies are jointly
27 responsible.

28 (i) To review plans for cooperating with appropriate
29 nonpublic agencies for the improvement of conditions relating
30 to the welfare of schools.

31 (j) To create such subordinate advisory bodies as are

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1 required by law or as it finds necessary for the improvement
2 of education.

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

5 (l) To assist in the economic development of the state
6 by developing a state-level planning process to identify
7 future training needs for industry, especially high-technology
8 industry.

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

12 (n) To adopt cohesive rules pursuant to ss. 120.536(1)
13 and 120.54, within statutory authority, for education
14 systemwide issues.

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

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

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

27 (r) To enforce systemwide education goals and
28 policies.

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

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1 (t) To establish accountability standards for existing
2 legislative performance goals, standards, and measures, and
3 order the development of mechanisms to implement new
4 legislative goals, standards, and measures.

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

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

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

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

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

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

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

24 (3) The State Board of Education shall adopt rules to
25 establish the criteria for assigning, reviewing, and removing
26 limited-access status to an educational program. The State
27 Board of Education shall monitor the extent of limited-access
28 programs within the state universities and report to the
29 Legislature admissions and enrollment data for limited-access
30 programs. Such report shall be submitted annually by December
31 1 and shall assist in determining the potential need for

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1 academic program contracts with independent institutions
2 pursuant to paragraph (2)(p). The report must specify, for
3 each limited-access program within each institution, the
4 following categories, by race and gender:

5 (a) The number of applicants.

6 (b) The number of applicants granted admission.

7 (c) The number of applicants who are granted admission
8 and enroll.

9 (d) The number of applicants denied admission.

10 (e) The number of applicants neither granted admission
11 nor denied admission.

12
13 Each category must be reported for each term. Each category
14 must be reported by type of student, including the following
15 subcategories: native students, community college associate in
16 arts degree transfer students, and other students. Each
17 category and subcategory must further be reported according to
18 the number of students who meet or exceed the minimum
19 eligibility requirements for admission to the program and the
20 number of students who do not meet or exceed the minimum
21 eligibility requirements for admission to the program.

22 (4) The State Board of Education shall review, and
23 approve or disapprove, baccalaureate-degree programs that
24 exceed 120 semester hours, after considering accreditation
25 requirements, employment and earnings of graduates,
26 comparative program lengths nationally, and comparisons with
27 similar programs offered by independent institutions. By
28 December 31 of each year, the State Board of Education must
29 report to the Legislature any degrees in the state
30 universities that require more than 120 hours, along with
31 appropriate evidence of need. At least every 5 years, the

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1 State Board of Education must determine whether the programs
2 still require more than the standard length of 120 hours.
3 (5)(a) The State Board of Education shall adopt a
4 systemwide strategic plan that specifies goals and objectives
5 for the state universities and community colleges. In
6 developing this plan, the State Board of Education shall
7 consider the role of individual public and independent
8 institutions within the state. The plan shall provide for the
9 roles of the universities and community colleges to be
10 coordinated to best meet state needs and reflect
11 cost-effective use of state resources. The strategic plan must
12 clarify mission statements and identify degree programs to be
13 offered at each university and community college in accordance
14 with the objectives provided in this subsection. The
15 systemwide strategic plan must cover a period of 5 years, with
16 modification of the program lists after 2 years. Development
17 of each 5-year plan must be coordinated with and initiated
18 after completion of the master plan. The systemwide and
19 university and community college strategic plans must
20 specifically include programs and procedures for responding to
21 the educational needs of teachers and students in the public
22 schools of this state. The state board shall submit a report
23 to the President of the Senate and the Speaker of the House of
24 Representatives upon modification of the system plan.
25 (b) The State Board of Education shall develop
26 long-range plans and annual reports for financial aid in this
27 state. The long-range plans shall establish goals and
28 objectives for a comprehensive program of financial aid for
29 Florida students and shall be updated every 5 years. The
30 annual report shall include an assessment of progress made in
31 achieving goals and objectives established in the long-range

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1 plans and recommendations for repealing or modifying existing
2 financial aid programs or establishing new programs. A
3 long-range plan shall be submitted by January 1, 2004, and
4 every 5 years thereafter. An annual report shall be submitted
5 on January 1, 2004, and in each successive year that a
6 long-range plan is not submitted, to the President of the
7 Senate and the Speaker of the House of Representatives.

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

20 (7) The State Board of Education shall:

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

24 (b) Specify, by rule, procedures to be used by the
25 boards of trustees in the annual evaluations of presidents and
26 review the evaluations of presidents by the boards of
27 trustees.

28 (c) Establish an effective information system that
29 will provide composite data concerning the community colleges
30 and state universities and ensure that special analyses and
31 studies concerning the institutions are conducted, as

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1 necessary, for provision of accurate and cost-effective
2 information concerning the institutions.

3 (d) Establish criteria for making recommendations for
4 modifying district boundary lines for community colleges.

5 (e) Establish criteria for making recommendations
6 concerning all proposals for the establishment of additional
7 centers or campuses for community colleges and state
8 universities.

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

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

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

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

24 (9) The State Board of Education shall prescribe
25 minimum standards, definitions, and guidelines for community
26 colleges and state universities that will ensure the quality
27 of education, coordination among the community colleges and
28 state universities, and efficient progress toward
29 accomplishing the community college and state university
30 mission. At a minimum, these rules must address:

31 (a) Personnel.

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1 (b) Contracting.

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

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

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

15 2. Require all of the credits accepted for the
16 associate in arts degree to be in the statewide course
17 numbering system as credits towards a baccalaureate degree
18 offered by a state university.

19 3. Require no more than 36 semester credit hours in
20 general education courses in the subject areas of
21 communication, mathematics, social sciences, humanities, and
22 natural sciences.

23
24 The rules should encourage community colleges to enter into
25 agreements with state universities that allow community
26 college students to complete upper-division-level courses at a
27 community college. An agreement may provide for concurrent
28 enrollment at the community college and the state university
29 and may authorize the community college to offer an
30 upper-division-level course or distance learning.

31 (e) Student admissions, conduct and discipline,

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1 nonclassroom activities, and fees.

2 (f) Budgeting.

3 (g) Business and financial matters.

4 (h) Student services.

5 (i) Reports, surveys, and information systems,

6 including forms and dates of submission.

7 Section 21. Section 1001.03, Florida Statutes, is
8 created to read:

9 1001.03 Specific powers of State Board of Education.--

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

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

21 (3) PROFESSIONAL CERTIFICATES.--The State Board of
22 Education shall classify school services, designate the
23 certification subject areas, establish competencies, including
24 the use of technology to enhance student learning, and
25 certification requirements for all school-based personnel, and
26 prescribe rules in accordance with which the professional,
27 temporary, and part-time certificates shall be issued by the
28 Department of Education to applicants who meet the standards
29 prescribed by such rules for their class of service, as
30 described in chapter 1012.

31 (4) PROFESSIONAL TEACHER ASSOCIATIONS.--The State

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1 Board of Education shall ensure that not-for-profit,
2 professional teacher associations that offer membership to all
3 teachers, noninstructional personnel, and administrators, and
4 that offer teacher training and staff development at no fee to
5 the district, shall be given equal access to voluntary teacher
6 meetings, be provided access to teacher mailboxes for
7 distribution of professional literature, and be authorized to
8 collect voluntary membership fees through payroll deduction.

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

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

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

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

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

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

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

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

15 (13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC
16 PROGRAMS.--The State Board of Education shall provide for the
17 cyclic review of all academic programs in community colleges
18 and state universities at least every 7 years. Program reviews
19 shall document how individual academic programs are achieving
20 stated student learning and program objectives within the
21 context of the institution's mission. The results of the
22 program reviews shall inform strategic planning, program
23 development, and budgeting decisions at the institutional
24 level.

25 (14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT
26 ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of
27 Education shall recommend to the Legislature by February 1,
28 2003, a uniform classification system for school district
29 administrative and management personnel that will facilitate
30 the uniform coding of administrative and management personnel
31 to total district employees.

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

4 Section 23. Section 1001.10, Florida Statutes, is
5 created to read:

6 1001.10 Commissioner of Education; general powers and
7 duties.--The Commissioner of Education is the chief
8 educational officer of the state, and is responsible for
9 giving full assistance to the State Board of Education in
10 enforcing compliance with the mission and goals of the
11 seamless K-20 education system. To facilitate innovative
12 practices and to allow local selection of educational methods,
13 the State Board of Education may authorize the commissioner to
14 waive, upon the request of a district school board, State
15 Board of Education rules that relate to district school
16 instruction and school operations, except those rules
17 pertaining to civil rights, and student health, safety, and
18 welfare. The Commissioner of Education is not authorized to
19 grant waivers for any provisions in rule pertaining to the
20 allocation and appropriation of state and local funds for
21 public education; the election, compensation, and organization
22 of school board members and superintendents; graduation and
23 state accountability standards; financial reporting
24 requirements; reporting of out-of-field teaching assignments
25 under s. 1012.42; public meetings; public records; or due
26 process hearings governed by chapter 120. No later than
27 January 1 of each year, the commissioner shall report to the
28 Legislature and the State Board of Education all approved
29 waiver requests in the preceding year. Additionally, the
30 commissioner has the following general powers and duties:

31 (1) To appoint staff necessary to carry out his or her

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1 powers and duties.

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

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

11 (4) To have a seal for his or her office with which,
12 in connection with his or her own signature, the commissioner
13 shall authenticate true copies of decisions, acts, or
14 documents.

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

21 (6) To take action on the release of mineral rights
22 based upon the recommendations of the Board of Trustees of the
23 Internal Improvement Trust Fund.

24 (7) To submit to the State Board of Education, on or
25 before August 1 of each year, recommendations for a
26 coordinated K-20 education budget that estimates the
27 expenditures for the State Board of Education, including the
28 Department of Education, the Commissioner of Education, and
29 all of the boards, institutions, agencies, and services under
30 the general supervision of the State Board of Education for
31 the ensuing fiscal year. Any program recommended to the State

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1 Board of Education that will require increases in state
2 funding for more than 1 year must be presented in a multiyear
3 budget plan.

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

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

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

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

29 (a) The State Board of Education is the body corporate
30 responsible for the supervision of the system of public
31 education.

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1 (b) The district school board is responsible for
2 school and student performance.

3 (c) The individual school is the unit for education
4 accountability.

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

8 (e) The university board of trustees is responsible
9 for university performance and student performance.

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

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

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

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

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

31

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1 The commissioner's office shall operate all statewide
2 functions necessary to support the State Board of Education
3 and the K-20 education system, including strategic planning
4 and budget development, general administration, and assessment
5 and accountability.

6 Section 24. Section 1001.11, Florida Statutes, is
7 created to read:

8 1001.11 Commissioner of Education; other duties.--

9 (1) The Commissioner of Education must independently
10 perform the following duties:

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

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

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

21 (d) Integrally work with the boards of trustees of the
22 state universities and community colleges.

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

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

31 (2)(a) The Commissioner of Education shall recommend

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

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

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

27 (a) Growth at the institutions.

28 (b) Need for specific skills statewide.

29 (c) Need for maintaining and repairing existing
30 facilities.

31 (4) The commissioner shall develop and implement an

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1 integrated K-20 information system for educational management
2 in accordance with the requirements of chapter 1008.

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

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

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

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

19 1001.20 Department under direction of state board.--

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

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

30 (3) The Department of Education shall maintain an
31 Office of the Commissioner of Education that includes the

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1 general areas of operation that are common to all delivery
2 sectors, such as administration, communication, legal
3 services, financial aid, and government and public relations,
4 in order to increase efficiency, improve service delivery to
5 students, and fully support the operational needs of the State
6 Board of Education.

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

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

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

29 (c) Office of Educational Facilities and SMART Schools
30 Clearinghouse.--Responsible for validating all educational
31 plant surveys and verifying Florida Inventory of School Houses

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1 (FISH) data. The office shall provide technical assistance to
2 public school districts when requested.

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

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

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

28 1001.21 Office of Private Schools and Home Education
29 Programs.--The state recognizes the contributions of private
30 schools and home education programs in providing alternatives
31 to public school education. These nongovernmental educational

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1 systems serve the public, but are not considered to be a part
2 of the public system of education.

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

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

10 (b) Serve the interests of private institutions.

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

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

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

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

21 (c) Establish a clearinghouse of information for the
22 public.

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

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

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

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1 Section 28. Section 1001.22, Florida Statutes, is
2 created to read:

3 1001.22 Commission for Independent Education.--The
4 Commission for Independent Education shall authorize granting
5 of certificates, diplomas, and degrees for independent
6 postsecondary educational institutions pursuant to chapter
7 1005.

8 Section 29. Section 1001.23, Florida Statutes, is
9 created to read:

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

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

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

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

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

26 (a) Photograph, microphotograph, or reproduce on film
27 or prints, documents, records, data, and information of a
28 permanent character and destroy any of the documents after
29 they have been photographed and after audit of the department
30 has been completed for the period embracing the dates of the
31 instruments. Photographs or microphotographs in the form of

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1 film or prints made in compliance with the provisions of this
2 subsection shall have the same force and effect as the
3 originals would have, and shall be treated as originals for
4 the purpose of their admissibility in evidence. Duly certified
5 or authenticated reproductions of such photographs or
6 microphotographs shall be admitted in evidence equally with
7 the original photographs or microphotographs.

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

15 Section 30. Section 1001.24, Florida Statutes, is
16 created to read:

17 1001.24 Direct-support organization; use of property;
18 board of directors; audit.--

19 (1) DEFINITIONS.--For the purposes of this section,
20 the term:

21 (a) "Department of Education direct-support
22 organization" means an organization:

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

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

30 3. That the State Board of Education, after review,
31 has certified to be operating in a manner consistent with the

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1 goals and best interest of the Department of Education.
2 (b) "Personal services" includes full-time or
3 part-time personnel, as well as payroll processing.
4 (2) USE OF PROPERTY.--The State Board of Education:
5 (a) May permit the use of property, facilities, and
6 personal services of the department by the direct-support
7 organization, subject to the provisions of this section.
8 (b) Shall prescribe by rule conditions with which the
9 direct-support organization must comply in order to use
10 property, facilities, or personal services of the department.
11 Such rules shall provide for budget and audit review and for
12 oversight by the department.
13 (c) Shall not permit the use of property, facilities,
14 or personal services of the direct-support organization if
15 such organization does not provide equal employment
16 opportunities to all persons, regardless of race, color,
17 national origin, gender, age, or religion.
18 (3) BOARD OF DIRECTORS.--The board of directors of the
19 department direct-support organization shall be appointed by
20 the commissioner and shall include representation from
21 business, industry, and other components of Florida's economy.
22 (4) ANNUAL AUDIT.--Each direct-support organization
23 shall provide for an annual financial audit in accordance with
24 s. 215.981. The identity of donors who desire to remain
25 anonymous shall be protected, and that anonymity shall be
26 maintained in the auditor's report. All records of the
27 organization other than the auditor's report, management
28 letter, and any supplemental data requested by the Auditor
29 General and the Office of Program Policy Analysis and
30 Government Accountability shall be confidential and exempt
31 from the provisions of s. 119.07(1).

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1 Section 31. Section 1001.25, Florida Statutes, is
2 created to read:

3 1001.25 Educational television.--

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

26 (2) POWERS OF DEPARTMENT.--

27 (a) The department may encourage:

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

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

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1 Government.

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

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

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

24 (3) PROHIBITED USE, PENALTY.--

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

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

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

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

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

23 1001.26 Public broadcasting program system.--

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

31 (a) Support for existing Corporation for Public

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

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

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

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

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

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

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1 out the purposes and objectives of this section.

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

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

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

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

25 1001.27 State satellite network.--

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

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1 video teleconferencing.

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

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

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

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

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

21 1. Accessibility to a substantial portion of the
22 population of the region.

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

26 3. Willingness to complement state support with
27 matching institutional resources.

28 4. Evidence of cooperation and coordinated planning
29 with other postsecondary educational institutions in the
30 region.

31 5. Availability of existing telecommunications

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1 equipment which is compatible or adaptable for use in the
2 network.

3 (d) Identify additional sites for inclusion in the
4 network in the event that demand exceeds the capacity of the
5 initial network.

6 (e) Coordinate scheduling and encourage use of the
7 network.

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

13 (g) Provide training for institutional, state agency,
14 and other personnel in effective techniques for the use of the
15 network.

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

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

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

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

28 Section 34. Section 1001.28, Florida Statutes, is
29 created to read:

30 1001.28 Distance learning duties.--The duties of the
31 Department of Education concerning distance learning include,

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1 but are not limited to, the duty to:

2 (1) Facilitate the implementation of a statewide
3 coordinated system and resource system for cost-efficient
4 advanced telecommunications services and distance education
5 which will increase overall student access to education.

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

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

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

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

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

30 (7) Secure and administer funding for programs and
31 activities for distance learning from federal, state, local,

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1 and private sources and from fees derived from services and
2 materials.

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

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

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

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

25 Section 36. Section 1001.30, Florida Statutes, is
26 created to read:

27 1001.30 District unit.--Each county shall constitute a
28 school district and shall be known as the school district of
29 ... County, Florida. Each district shall constitute a unit
30 for the control, organization, and administration of schools.

31 The responsibility for the actual operation and administration

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1 of all schools needed within the districts in conformity with
2 rules and minimum standards prescribed by the state, and also
3 the responsibility for the provision of any desirable and
4 practicable opportunities authorized by law beyond those
5 required by the state, are delegated by law to the school
6 officials of the respective districts.

7 Section 37. Section 1001.31, Florida Statutes, is
8 created to read:

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

27 Section 38. Section 1001.32, Florida Statutes, is
28 created to read:

29 1001.32 Management, control, operation,
30 administration, and supervision.--The district school system
31 must be managed, controlled, operated, administered, and

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1 supervised as follows:

2 (1) DISTRICT SYSTEM.--The district school system shall
3 be considered as a part of the state system of public
4 education. All actions of district school officials shall be
5 consistent and in harmony with state laws and with rules and
6 minimum standards of the state board and the commissioner.
7 District school officials, however, shall have the authority
8 to provide additional educational opportunities, as desired,
9 which are authorized, but not required, by law or by the
10 district school board.

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

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

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

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1 Section 39. Section 1001.33, Florida Statutes, is
2 created to read:

3 1001.33 Schools under control of district school board
4 and district school superintendent.--Except as otherwise
5 provided by law, all public schools conducted within the
6 district shall be under the direction and control of the
7 district school board with the district school superintendent
8 as executive officer.

9 Section 40. Part II.a. of chapter 1001, Florida
10 Statutes, shall be entitled "District School Boards" and shall
11 consist of ss. 1001.34-1001.453.

12 Section 41. Section 1001.34, Florida Statutes, is
13 created to read:

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

21 Section 42. Section 1001.35, Florida Statutes, is
22 created to read:

23 1001.35 Term of office.--District school board members
24 shall be elected at the general election in November for terms
25 of 4 years.

26 Section 43. Section 1001.36, Florida Statutes, is
27 created to read:

28 1001.36 District school board member residence
29 areas.--

30 (1) For the purpose of electing district school board
31 members, each district shall be divided into at least five

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1 district school board member residence areas, which shall be
2 numbered one to five, inclusive, and which shall, as nearly as
3 practicable, be equal in population.

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

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

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

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

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1 this resolution shall be transmitted to the Department of
2 State.

3 Section 44. Section 1001.361, Florida Statutes, is
4 created to read:

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

22 Section 45. Section 1001.362, Florida Statutes, is
23 created to read:

24 1001.362 Alternate procedure for the election of
25 district school board members to provide for single-member
26 representation.--

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

30 (2) District school board members shall be elected to
31 office in accordance with the provisions of ss. 1001.36 and

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1 1001.361, or as otherwise provided by law, unless a
2 proposition calling for single-member representation within
3 the residence areas of the district is submitted to and
4 approved by a majority of the qualified electors voting on
5 such proposition in the manner provided in subsection (3).

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

13 (b) If the district school board is composed of seven
14 members, at the option of the school board, such proposition
15 shall provide that:

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

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

29 (c) All members shall be elected for 4-year terms, but
30 such terms shall be staggered so that, alternately, one more
31 or one less than half of the members elected from residence

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1 areas and, if applicable, one of the members elected at large
2 from the entire district are elected every 2 years. Any
3 member may be elected to an initial term of less than 4 years
4 if necessary to achieve or maintain such system of staggered
5 terms.

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

11 (a) The district school board may adopt a formal
12 resolution directing an election to be held to place the
13 proposition on the ballot.

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

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

28 (5)(a) Each petition form circulated for single-member
29 representation within the residence areas of a district where
30 the school board is composed of five members shall include the
31 wording: "As a registered elector of the school district of

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1 County, Florida, I am petitioning for a referendum
2 election to determine whether the five school board members of
3 said district shall be elected from single-member residence
4 areas by electors residing in each of those areas only."

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

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

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

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

29 (6) Upon the filing of the petitions with the district
30 school board by the chair of the committee, the district
31 school board shall submit the petitions to the supervisor of

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1 elections for verification of the signatures. Within a period
2 of not more than 30 days, the supervisor of elections shall
3 determine whether the petitions contain the required number of
4 valid signatures. The supervisor of elections shall be paid
5 by the committee seeking verification the sum of 10 cents for
6 each name checked.

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

20 (8) No special election may be called for the sole
21 purpose of presenting the proposition to the vote of the
22 electors.

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

27 (10) No district school board member elected prior to
28 or at the election that approves any revision as permitted
29 herein shall be affected in his or her term of office. The
30 resolution adopted by the district school board under
31 paragraph (3)(a) or subsection (7) which presents the proposed

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1 revision to the electorate for approval shall specify an
2 orderly method and procedure for implementing the revision
3 contemplated in the resolution.

4 Section 46. Section 1001.363, Florida Statutes, is
5 created to read:

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

12 Section 47. Section 1001.37, Florida Statutes, is
13 created to read:

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

19 Section 48. Section 1001.371, Florida Statutes, is
20 created to read:

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

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1 organization, including the schedule for regular meetings and
2 the names and addresses of all district school officers, and
3 annex their affidavits that the same is a true and correct
4 copy of the original, and the secretary shall file the
5 document within 2 weeks with the Department of Education.

6 Section 49. Section 1001.372, Florida Statutes, is
7 created to read:

8 1001.372 District school board meetings.--

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

31 (2) PLACE OF MEETINGS.--

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1 (a) Except as provided in paragraph (b), all regular
2 and special meetings of the district school board shall be
3 held in the office of the district school superintendent or in
4 a room convenient to that office and regularly designated as
5 the district school board meeting room.

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

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

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

29 (4) MAJORITY A QUORUM.--A majority shall constitute a
30 quorum for any meeting of the district school board. No
31 business may be transacted at any meeting unless a quorum is

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1 present, except that a minority of the district school board
2 may adjourn the meeting from time to time until a quorum is
3 present.

4 Section 50. Section 1001.38, Florida Statutes, is
5 created to read:

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

12 Section 51. Section 1001.39, Florida Statutes, is
13 created to read:

14 1001.39 District school board members; travel
15 expenses.--

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

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

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

3 1001.395 District school board members;
4 compensation.--

5 (1) Each district school board shall annually
6 determine the salary of its members at the first regular
7 meeting following the organizational meeting held pursuant to
8 s. 1001.371. The proposed salary to be adopted shall be
9 noticed at the time of the meeting notice and shall not be
10 increased during the meeting. The salary adopted by the
11 district school board shall be in effect during the succeeding
12 12 months.

13 (2) This section shall apply to any district school
14 board member elected or reelected at the November 2002 general
15 election or any subsequent general election and to any person
16 appointed to fill a vacancy in the office of any such member.

17 Section 53. Section 1001.40, Florida Statutes, is
18 created to read:

19 1001.40 District school board to constitute a
20 corporation.--The governing body of each school district shall
21 be a district school board. Each district school board is
22 constituted a body corporate by the name of "The School Board
23 of County, Florida." In all suits against district
24 school boards, service of process shall be had on the chair of
25 the district school board or, if he or she cannot be found, on
26 the district school superintendent as executive officer of the
27 district school board or, in the absence of the chair and the
28 district school superintendent, on another member of the
29 district school board.

30 Section 54. Section 1001.41, Florida Statutes, is
31 created to read:

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1 1001.41 General powers of district school board.--The
2 district school board, after considering recommendations
3 submitted by the district school superintendent, shall
4 exercise the following general powers:

5 (1) Determine policies and programs consistent with
6 state law and rule deemed necessary by it for the efficient
7 operation and general improvement of the district school
8 system.

9 (2) Adopt rules pursuant to ss. 120.536(1) and 120.54
10 to implement the provisions of law conferring duties upon it
11 to supplement those prescribed by the State Board of Education
12 and the Commissioner of Education.

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

15 (4) Contract, sue, and be sued. The district school
16 board shall constitute the contracting agent for the district
17 school system.

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

24 (6) Assign students to schools.

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

28 Section 55. Section 1001.42, Florida Statutes, is
29 created to read:

30 1001.42 Powers and duties of district school
31 board.--The district school board, acting as a board, shall

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1 exercise all powers and perform all duties listed below:

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

6 (a) Minutes, recording.--The minutes of each meeting
7 shall be reviewed, corrected if necessary, and approved at the
8 next regular meeting, provided that this action may be taken
9 at an intervening special meeting if the district school board
10 desires. The minutes shall be kept as a public record in a
11 permanent location.

12 (b) Minutes, contents.--The minutes shall show the
13 vote of each member present on all matters on which the
14 district school board takes action. It shall be the duty of
15 each member to see to it that both the matter and his or her
16 vote thereon are properly recorded in the minutes. Unless
17 otherwise shown by the minutes, it shall be presumed that the
18 vote of each member present supported any action taken by the
19 district school board in either the exercise of, violation of,
20 or neglect of the powers and duties imposed upon the district
21 school board by law or rule, whether such action is recorded
22 in the minutes or is otherwise established. It shall also be
23 presumed that the policies, appointments, programs, and
24 expenditures not recorded in the minutes but made and actually
25 in effect in the district school system were made and put into
26 effect at the direction of the district school board, unless
27 it can be shown that they were done without the actual or
28 constructive knowledge of the members of the district school
29 board.

30 (2) CONTROL PROPERTY.--Subject to rules of the State
31 Board of Education, control property and convey the title to

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1 real and personal property.

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

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

8 (a) Schools and enrollment plans.--Establish schools
9 and adopt enrollment plans that may include school attendance
10 areas and open enrollment provisions.

11 (b) Elimination of school centers and consolidation of
12 schools.--Provide for the elimination of school centers and
13 the consolidation of schools.

14 (c) Adequate educational facilities for all children
15 without tuition.--Provide adequate educational facilities for
16 all children without payment of tuition.

17 (d) Cooperate with school boards of adjoining
18 districts in maintaining schools.--Approve plans for
19 cooperating with school boards of adjoining districts in this
20 state or in adjoining states for establishing school
21 attendance areas composed of territory lying within the
22 districts and for the joint maintenance of district-line
23 schools or other schools which are to serve those attendance
24 areas. The conditions of such cooperation shall be as
25 follows:

26 1. Establishment.--The establishment of a school to
27 serve attendance areas lying in more than one district and the
28 plans for maintaining the school and providing educational
29 services to students shall be effected by annual resolutions
30 spread upon the minutes of each district school board
31 concerned, which resolutions shall set out the territorial

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1 limits of the areas from which children are to attend the
2 school and the plan to be followed in maintaining and
3 operating the school.

4 2. Control.--Control of the school or schools involved
5 shall be vested in the district school board of the district
6 in which the school or schools are located unless otherwise
7 agreed by the district school boards.

8 3. Settlement of disagreements.--In the event an
9 agreement cannot be reached relating to such attendance areas
10 or to the school or schools therein, the matter may be
11 referred jointly by the cooperating district school boards or
12 by either district school board to the Department of Education
13 for decision under rules of the State Board of Education, and
14 its decision shall be binding on both school boards.

15 (e) Classification and standardization of
16 schools.--Provide for the classification and standardization
17 of schools.

18 (f) Opening and closing of schools; fixing uniform
19 date.--Adopt policies for the opening and closing of schools
20 and fix uniform dates.

21 (g) Observance of school holidays and vacation
22 periods.--Designate the observance of school holidays and
23 vacation periods.

24 (h) Career and technical classes and schools.--Provide
25 for the establishment and maintenance of career and technical
26 schools, departments, or classes, giving instruction in career
27 and technical education as defined by rules of the State Board
28 of Education, and use any moneys raised by public taxation in
29 the same manner as moneys for other school purposes are used
30 for the maintenance and support of public schools or classes.

31 (i) District school boards may establish public

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1 evening schools.--Have the authority to establish public
2 evening schools.
3 (j) Cooperate with other agencies in joint
4 projects.--Cooperate with other agencies in joint projects.
5 (k) Planning time for teachers.--May adopt rules for
6 planning time for teachers in accordance with the provisions
7 of chapter 1012.
8 (l) Exceptional students.--Provide for an appropriate
9 program of special instruction, facilities, and services for
10 exceptional students as prescribed by the State Board of
11 Education as acceptable in accordance with the provisions of
12 s. 1003.57.
13 (m) Alternative education programs for students in
14 residential care facilities.--Provide, in accordance with the
15 provisions of chapter 1006, educational programs according to
16 rules of the State Board of Education to students who reside
17 in residential care facilities operated by the Department of
18 Children and Family Services.
19 (n) Educational services in detention facilities.--In
20 accordance with the provisions of chapter 1006, offer services
21 to students in detention facilities.
22 (5) PERSONNEL.--Designate positions to be filled,
23 prescribe qualifications for those positions, and provide for
24 the appointment, compensation, promotion, suspension, and
25 dismissal of employees, subject to the requirements of chapter
26 1012. Notwithstanding s. 1012.55 or any other provision of law
27 or rule to the contrary, the district school board may,
28 consistent with adopted district school board policy relating
29 to alternative certification for school principals, appoint
30 persons to the position of school principal who do not hold
31 educator certification.

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1 (6) CHILD WELFARE.--In accordance with the provisions
2 of chapters 1003 and 1006, provide for the proper accounting
3 for all children of school age, for the attendance and control
4 of students at school, and for proper attention to health,
5 safety, and other matters relating to the welfare of children.

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

9 (8) TRANSPORTATION OF STUDENTS.--After considering
10 recommendations of the district school superintendent, 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 chapter 1006.

21 (9) SCHOOL PLANT.--Approve plans for locating,
22 planning, constructing, sanitating, insuring, maintaining,
23 protecting, and condemning school property as prescribed in
24 chapter 1013 and as follows:

25 (a) School building program.--Approve and adopt a
26 districtwide school building program.

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

28 1. Select and purchase school sites, playgrounds, and
29 recreational areas located at centers at which schools are to
30 be constructed, of adequate size to meet the needs of
31 projected students to be accommodated.

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- 1 2. Approve the proposed purchase of any site,
2 playground, or recreational area for which district funds are
3 to be used.
- 4 3. Expand existing sites.
- 5 4. Rent buildings when necessary.
- 6 5. Enter into leases or lease-purchase arrangements,
7 in accordance with the requirements and conditions provided in
8 s. 1013.15(2), with private individuals or corporations for
9 the rental of necessary grounds and educational facilities for
10 school purposes or of educational facilities to be erected for
11 school purposes. Current or other funds authorized by law may
12 be used to make payments under a lease-purchase agreement.
13 Notwithstanding any other statutes, if the rental is to be
14 paid from funds received from ad valorem taxation and the
15 agreement is for a period greater than 12 months, an approving
16 referendum must be held. The provisions of such contracts,
17 including building plans, shall be subject to approval by the
18 Department of Education, and no such contract shall be entered
19 into without such approval. As used in this section,
20 "educational facilities" means the buildings and equipment
21 that are built, installed, or established to serve educational
22 purposes and that may lawfully be used. The State Board of
23 Education may adopt such rules as are necessary to implement
24 these provisions.
- 25 6. Provide for the proper supervision of construction.
- 26 7. Make or contract for additions, alterations, and
27 repairs on buildings and other school properties.
- 28 8. Ensure that all plans and specifications for
29 buildings provide adequately for the safety and well-being of
30 students, as well as for economy of construction.
- 31 (c) Maintenance and upkeep of school plant.--Provide

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1 adequately for the proper maintenance and upkeep of school
2 plants, so that students may attend school without sanitary or
3 physical hazards, and provide for the necessary heat, lights,
4 water, power, and other supplies and utilities necessary for
5 the operation of the schools.

6 (d) Insurance of school property.--Carry insurance on
7 every school building in all school plants including contents,
8 boilers, and machinery, except buildings of three classrooms
9 or less that are of frame construction and located in a tenth
10 class public protection zone as defined by the Florida
11 Inspection and Rating Bureau, and on all school buses and
12 other property under the control of the district school board
13 or title to which is vested in the district school board,
14 except as exceptions may be authorized under rules of the
15 State Board of Education.

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

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

25 (a) Provide for all schools to operate at least 180
26 days.--Provide for the operation of all public schools, both
27 elementary and secondary, as free schools for a term of at
28 least 180 days or the equivalent on an hourly basis as
29 specified by rules of the State Board of Education; determine
30 district school funds necessary in addition to state funds to
31 operate all schools for such minimum term; and arrange for the

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1 levying of district school taxes necessary to provide the
2 amount needed from district sources.

3 (b) Annual budget.--Cause to be prepared, adopt, and
4 have submitted to the Department of Education as required by
5 law and rules of the State Board of Education, the annual
6 school budget, such budget to be so prepared and executed as
7 to promote the improvement of the district school system.

8 (c) Tax levies.--Adopt and spread on its minutes a
9 resolution fixing the district school tax levy, provided for
10 under s. 9, Art. VII of the State Constitution, necessary to
11 carry on the school program adopted for the district for the
12 next ensuing fiscal year as required by law, and fixing the
13 district bond interest and sinking fund tax levy necessary for
14 districts against which bonds are outstanding; and adopt and
15 spread on its minutes a resolution suggesting the tax levy
16 provided for in s. 9, Art. VII of the State Constitution,
17 found necessary to carry on the school program adopted for the
18 district for the next ensuing fiscal year.

19 (d) School funds.--Require that an accurate account is
20 kept of all funds that should be transmitted to the district
21 school board for school purposes at various periods during the
22 year from all sources and, if any funds are not transmitted
23 promptly, take the necessary steps to have such funds made
24 available.

25 (e) Borrow money.--Borrow money, as prescribed in ss.
26 1011.12-1011.16, when necessary in anticipation of funds
27 reasonably to be expected during the year as shown by the
28 budget.

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

31 (g) Approval and payment of accounts.--Implement a

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1 system of accounting and budgetary control to ensure that
2 payments do not exceed amounts budgeted, as required by law;
3 make available all records for proper audit by state officials
4 or independent certified public accountants; and have prepared
5 required periodic statements to be filed with the Department
6 of Education as provided by rules of the State Board of
7 Education.

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

12 (i) Contracts for materials, supplies, and
13 services.--Contract for materials, supplies, and services
14 needed for the district school system. No contract for
15 supplying these needs shall be made with any member of the
16 district school board, with the district school
17 superintendent, or with any business organization in which any
18 district school board member or the district school
19 superintendent has any financial interest whatsoever.

20 (j) Purchasing regulations to be secured from
21 Department of Management Services.--Secure purchasing
22 regulations and amendments and changes thereto from the
23 Department of Management Services and prior to any purchase
24 have reported to it by its staff, and give consideration to
25 the lowest price available to it under such regulations,
26 provided a regulation applicable to the item or items being
27 purchased has been adopted by the department. The department
28 should meet with educational administrators to expand the
29 inventory of standard items for common usage in all schools
30 and postsecondary educational institutions.

31 (k) Protection against loss.--Provide for adequate

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

16 (l) Internal auditor.--May employ an internal auditor
17 to perform ongoing financial verification of the financial
18 records of the school district. The internal auditor shall
19 report directly to the district school board or its designee.

20 (m) Financial and performance audits.--In addition to
21 the audits required by ss. 11.45 and 218.39, may contract with
22 an independent certified public accountant to conduct a
23 financial or performance audit of its accounts and records
24 retained by it and paid from its public funds.

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

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

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

20 (c) Reports to parents.--Require that, at regular
21 intervals, reports are made by school principals or teachers
22 to parents, apprising them of the progress being made by the
23 students in their studies and giving other needful
24 information.

25 (12) COOPERATION WITH OTHER DISTRICT SCHOOL
26 BOARDS.--May establish and participate in educational
27 consortia that are designed to provide joint programs and
28 services to cooperating school districts, consistent with the
29 provisions of s. 4(b), Art. IX of the State Constitution. The
30 State Board of Education shall adopt rules providing for the
31 establishment, funding, administration, and operation of such

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1 consortia.

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

5 (14) SCHOOL LUNCH PROGRAM.--Assume such
6 responsibilities and exercise such powers and perform such
7 duties as may be assigned to it by law or as may be required
8 by rules of the State Board of Education or, as in the opinion
9 of the district school board, are necessary to ensure school
10 lunch services, consistent with needs of students; effective
11 and efficient operation of the program; and the proper
12 articulation of the school lunch program with other phases of
13 education in the district.

14 (15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT
15 PROGRAM.--

16 (a) Adopt procedures whereby the general public can be
17 adequately informed of the educational programs, needs, and
18 objectives of public education within the district, including
19 educational opportunities available through the Florida
20 Virtual School.

21 (b) Encourage teachers and administrators to keep
22 parents informed of student progress, student programs,
23 student attendance requirements pursuant to ss. 1003.26,
24 1003.27, 414.1251, and 984.151, and availability of resources
25 for academic assistance.

26 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
27 ACCOUNTABILITY.--Maintain a system of school improvement and
28 education accountability as provided by statute and State
29 Board of Education rule. This system of school improvement and
30 education accountability shall be consistent with, and
31 implemented through, the district's continuing system of

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1 planning and budgeting required by this section and ss.
2 1008.385, 1010.01, and 1011.01. This system of school
3 improvement and education accountability shall include, but is
4 not limited to, the following:

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

21 (b) Approval process.--Develop a process for approval
22 of a school improvement plan presented by an individual school
23 and its advisory council. In the event a district school board
24 does not approve a school improvement plan after exhausting
25 this process, the Department of Education shall be notified of
26 the need for assistance.

27 (c) Assistance and intervention.--
28 1. Develop a 2-year plan of increasing individualized
29 assistance and intervention for each school in danger of not
30 meeting state standards or making adequate progress, as
31 defined pursuant to statute and State Board of Education rule,

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1 toward meeting the goals and standards of its approved school
2 improvement plan.

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

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

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

23 (d) After 2 years.--Notify the Commissioner of
24 Education and the State Board of Education in the event any
25 school does not make adequate progress toward meeting the
26 goals and standards of a school improvement plan by the end of
27 2 years of failing to make adequate progress and proceed
28 according to guidelines developed pursuant to statute and
29 State Board of Education rule. School districts shall provide
30 intervention and assistance to schools in danger of being
31 designated as performance grade category "F," failing to make

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1 adequate progress.

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

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

18 (17) LOCAL-LEVEL DECISIONMAKING.--

19 (a) Adopt policies that clearly encourage and enhance
20 maximum decisionmaking appropriate to the school site. Such
21 policies must include guidelines for schools in the adoption
22 and purchase of district and school site instructional
23 materials and technology, staff training, school advisory
24 council member training, student support services, budgeting,
25 and the allocation of staff resources.

26 (b) Adopt waiver process policies to enable all
27 schools to exercise maximum flexibility and notify advisory
28 councils of processes to waive school district and state
29 policies.

30 (c) Develop policies for periodically monitoring the
31 membership composition of school advisory councils to ensure

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1 compliance with requirements established in s. 1001.452.

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

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

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

22 (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the
23 anonymity of students in large schools, adopt policies to
24 encourage any school that does not meet the definition of a
25 small school, as established by s. 1013.43(2), to subdivide
26 into schools-within-a-school, that shall operate within
27 existing resources in accordance with the provisions of
28 chapter 1003.

29 (21) FLORIDA VIRTUAL SCHOOL.--Provide students with
30 access to enroll in courses available through the Florida
31 Virtual School and award credit for successful completion of

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1 such courses. Access shall be available to students during or
2 after the normal school day, and through summer school
3 enrollment.

4 (22) ADOPT RULES.--Adopt rules pursuant to ss.
5 120.536(1) and 120.54 to implement this section.

6 Section 56. Section 1001.43, Florida Statutes, is
7 created to read:

8 1001.43 Supplemental powers and duties of district
9 school board.--The district school board may exercise the
10 following supplemental powers and duties as authorized by this
11 code or State Board of Education rule.

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

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

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

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

29 (d) Provide procedures for managing protests,
30 demonstrations, sit-ins, walk-outs, or other acts of civil
31 disobedience.

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1 (e) Provide procedures for detaining students and for
2 readmission of students after expulsion.

3 (f) Regulate student automobile use and parking.

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

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

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

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

22 (d) Payment of contractors and other service
23 providers.

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

29 (f) District budgeting system, including setting
30 budget deadlines and schedules, budget planning, and
31 implementation and determination of budget priorities.

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

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

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

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

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

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

29 (5) SCHOOL COMMUNITY RELATIONS.--The district school
30 board may adopt policies governing public gifts and donations
31 to schools; input from the community concerning instruction

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

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

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

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

22 (b) The provision of school safety patrol.

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

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

29 (e) Procedures for reporting accidents, including
30 traffic accidents and traffic violations involving
31 district-owned vehicles.

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1 (f) Student insurance programs.

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

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

25 (10) DISTRICT SCHOOL BOARD GOVERNANCE AND
26 OPERATIONS.--The district school board may adopt policies and
27 procedures necessary for the daily business operation of the
28 district school board, including, but not limited to, the
29 provision of legal services for the district school board;
30 conducting a district legislative program; district school
31 board member participation at conferences, conventions, and

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

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

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

18 Section 57. Section 1001.44, Florida Statutes, is
19 created to read:

20 1001.44 Technical centers.--

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

27 (2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY
28 ESTABLISH OR ACQUIRE TECHNICAL CENTERS.--The district school
29 boards of any two or more contiguous districts may, upon first
30 obtaining the approval of the department, enter into an
31 agreement to organize, establish and operate, or acquire and

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1 operate, a technical center under this section.

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

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

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

23 Section 58. Section 1001.451, Florida Statutes, is
24 created to read:

25 1001.451 Regional consortium service
26 organizations.--In order to provide a full range of programs
27 to larger numbers of students, minimize duplication of
28 services, and encourage the development of new programs and
29 services:

30 (1) School districts with 20,000 or fewer unweighted
31 full-time equivalent students may enter into cooperative

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1 agreements to form a regional consortium service organization.
2 Each regional consortium service organization shall provide,
3 at a minimum, three of the following services: exceptional
4 student education; teacher education centers; environmental
5 education; federal grant procurement and coordination; data
6 processing; health insurance; risk management insurance; staff
7 development; purchasing; or planning and accountability.

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

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

18 Section 59. Section 1001.452, Florida Statutes, is
19 created to read:

20 1001.452 District and school advisory councils.--

21 (1) ESTABLISHMENT.--

22 (a) The district school board shall establish an
23 advisory council for each school in the district and shall
24 develop procedures for the election and appointment of
25 advisory council members. Each school advisory council shall
26 include in its name the words "school advisory council." The
27 school advisory council shall be the sole body responsible for
28 final decisionmaking at the school relating to implementation
29 of the provisions of ss. 1008.345, and 1001.42(16). A majority
30 of the members of each school advisory council must be persons
31 who are not employed by the school. Each advisory council

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

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

19
20 The district school board shall establish procedures for use
21 by schools in selecting business and community members that
22 include means of ensuring wide notice of vacancies and of
23 taking input on possible members from local business, chambers
24 of commerce, community and civic organizations and groups, and
25 the public at large. The district school board shall review
26 the membership composition of each advisory council. If the
27 district school board determines that the membership elected
28 by the school is not representative of the ethnic, racial, and
29 economic community served by the school, the district school
30 board shall appoint additional members to achieve proper
31 representation. The commissioner shall determine if schools

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

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

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

30 (2) DUTIES.--Each advisory council shall perform such
31 functions as are prescribed by regulations of the district

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

12 Section 60. Section 1001.453, Florida Statutes, is
13 created to read:

14 1001.453 Direct-support organization; use of property;
15 board of directors; audit.--

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

18 (a) "District school board direct-support
19 organization" means an organization that:

- 20 1. Is approved by the district school board;
21 2. Is a Florida corporation not for profit,
22 incorporated under the provisions of chapter 617 and approved
23 by the Department of State; and
24 3. Is organized and operated exclusively to receive,
25 hold, invest, and administer property and to make expenditures
26 to or for the benefit of public kindergarten through 12th
27 grade education and adult career and technical and community
28 education programs in this state.

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

31 (2) USE OF PROPERTY.--A district school board:

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1 (a) Is authorized to permit the use of property,
2 facilities, and personal services of the district by a
3 direct-support organization, subject to the provisions of this
4 section.

5 (b) Shall prescribe by rule conditions with which a
6 district school board direct-support organization must comply
7 in order to use property, facilities, or personal services of
8 the district. Adoption of such rules shall be coordinated with
9 the Department of Education. The rules shall provide for
10 budget and audit review and oversight by the district school
11 board and the department.

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

17 (3) BOARD OF DIRECTORS.--The board of directors of the
18 district school board direct-support organization shall be
19 approved by the district school board.

20 (4) ANNUAL AUDIT.--Each direct-support organization
21 with more than \$100,000 in expenditures or expenses shall
22 provide for an annual financial audit of its accounts and
23 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) and the Commissioner of
26 Education. The annual audit report shall be submitted within 9
27 months after the fiscal year's end to the district school
28 board and the Auditor General. The Commissioner of Education,
29 the Auditor General, and the Office of Program Policy Analysis
30 and Government Accountability have the authority to require
31 and receive from the organization or the district auditor any

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1 records relative to the operation of the organization. The
2 identity of donors and all information identifying donors and
3 prospective donors are confidential and exempt from the
4 provisions of s. 119.07(1), and that anonymity shall be
5 maintained in the auditor's report. All other records and
6 information shall be considered public records for the
7 purposes of chapter 119.

8 Section 61. Part II.b. of chapter 1001, Florida
9 Statutes, shall be entitled "District School Superintendents"
10 and shall consist of ss. 1001.46-1001.53.

11 Section 62. Section 1001.46, Florida Statutes, is
12 created to read:

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

17 Section 63. Section 1001.461, Florida Statutes, is
18 created to read:

19 1001.461 District school superintendent; procedures
20 for making office appointive.--

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

27 (2) To submit the proposition to the electors, the
28 district school board by formal resolution shall request an
29 election, that shall be at a general election or a statewide
30 primary or special election. The board of county
31 commissioners, upon such timely request from the district

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1 school board, shall cause to be placed on the ballot at such
2 election the proposition to make the office of district school
3 superintendent appointive.

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

9 Section 64. Section 1001.462, Florida Statutes, is
10 created to read:

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

15 Section 65. Section 1001.463, Florida Statutes, is
16 created to read:

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

21 Section 66. Section 1001.464, Florida Statutes, is
22 created to read:

23 1001.464 District school superintendent to devote full
24 time to office.--The position of district school
25 superintendent shall be considered a full-time position.

26 Section 67. Section 1001.47, Florida Statutes, is
27 created to read:

28 1001.47 District school superintendent; salary.--

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

31 However, a district school board, by majority vote, may

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1 approve a salary in excess of the amount specified in this
2 section.

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

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

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

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

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

29 (5)(a) The Department of Education shall provide a
30 leadership development and performance compensation program
31 for district school superintendents, comparable to chief

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1 executive officer development programs for corporate executive
2 officers, to include:

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

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

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

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

28 Section 68. Section 1001.48, Florida Statutes, is
29 created to read:

30 1001.48 Secretary and executive officer of the
31 district school board.--The district school superintendent

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

13 Section 69. Section 1001.49, Florida Statutes, is
14 created to read:

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

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

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

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

31 (4) RECOMMEND AND EXECUTE RULES.--Prepare and organize

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1 by subjects and submit to the district school board for
2 adoption such rules to supplement those adopted by the State
3 Board of Education as, in the district school superintendent's
4 opinion, will contribute to the efficient operation of any
5 aspect of education in the district. When rules have been
6 adopted, the district school superintendent shall see that
7 they are executed.

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

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

22 Section 70. Section 1001.50, Florida Statutes, is
23 created to read:

24 1001.50 Superintendents employed under Art. IX of the
25 State Constitution.--

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

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1 personnel. The district school superintendent's duties
2 relating to the district school system shall be as provided by
3 law and rules of the State Board of Education.

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

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

12 (a) The population of the district.

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

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

16 (d) The geographic extent of the district.

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

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

22 Section 71. Section 1001.51, Florida Statutes, is
23 created to read:

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

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

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

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

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

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

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

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1 district and prepare and recommend such a program to the
2 district school board as the basis for operating the district
3 school system.

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

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

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

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

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

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

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

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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

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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.

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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

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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 (14) ENFORCEMENT OF LAWS AND RULES.--Require that all

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1 laws and rules of the State Board of Education, as well as
2 supplementary rules of the district school board, are properly
3 observed and report to the district school board any violation
4 that the district school superintendent does not succeed in
5 having corrected.

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

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

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

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

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

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1 recommendation.

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

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

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

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

22 Section 72. Section 1001.52, Florida Statutes, is
23 created to read:

24 1001.52 Reproduction and destruction of district
25 school records.--

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

31 (2) After complying with the provisions of s. 257.37,

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

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

21 Section 73. Section 1001.53, Florida Statutes, is
22 created to read:

23 1001.53 District school superintendent responsible for
24 enforcement of attendance.--The district school superintendent
25 shall be responsible for the enforcement of the attendance
26 provisions of chapters 1003 and 1006. In a district in which
27 no attendance assistant is employed, the district school
28 superintendent shall have those duties and responsibilities
29 and exercise those powers assigned by law to attendance
30 assistants.

31 Section 74. Part II.c. of chapter 1001, Florida

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1 Statutes, shall be entitled "School Principals" and shall
2 consist of s. 1001.54.

3 Section 75. Section 1001.54, Florida Statutes, is
4 created to read:

5 1001.54 Duties of school principals.--

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

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

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

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

22 Section 76. Part III of chapter 1001, Florida
23 Statutes, shall be entitled "Community Colleges" and shall
24 consist of ss. 1001.61-1001.65.

25 Section 77. Section 1001.61, Florida Statutes, is
26 created to read:

27 1001.61 Community college boards of trustees;
28 membership.--

29 (1) Community college boards of trustees shall be
30 comprised of five members when a community college district is
31 confined to one school board district; seven members when a

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

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

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

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

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

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1 Section 78. Section 1001.62, Florida Statutes, is
2 created to read:

3 1001.62 Transfer of benefits arising under local or
4 special acts.--All local or special acts in force on July 1,
5 1968, that provide benefits for a community college through a
6 district school board shall continue in full force and effect,
7 and such benefits shall be transmitted to the community
8 college board of trustees.

9 Section 79. Section 1001.63, Florida Statutes, is
10 created to read:

11 1001.63 Community college board of trustees; board of
12 trustees to constitute a corporation.--Each community college
13 board of trustees is constituted a body corporate by the name
14 of "The District Board of Trustees of ...(name of community
15 college)..., Florida" with all the powers and duties of a body
16 corporate, including the power to adopt a corporate seal, to
17 contract and be contracted with, to sue or be sued, to plead
18 and be impleaded in all courts of law or equity, and to give
19 and receive donations. In all suits against a board of
20 trustees, service of process shall be made on the chair of the
21 board of trustees or, in the absence of the chair, the
22 corporate secretary or designee of the chair.

23 Section 80. Section 1001.64, Florida Statutes, is
24 created to read:

25 1001.64 Community college boards of trustees; powers
26 and duties.--

27 (1) The boards of trustees shall be responsible for
28 cost-effective policy decisions appropriate to the community
29 college's mission, the implementation and maintenance of
30 high-quality education programs within law and rules of the
31 State Board of Education, the measurement of performance, the

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1 reporting of information, and the provision of input regarding
2 state policy, budgeting, and education standards.

3 (2) Each board of trustees is vested with the
4 responsibility to govern its respective community college and
5 with such necessary authority as is needed for the proper
6 operation and improvement thereof in accordance with rules of
7 the State Board 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)(a) The board of trustees, after considering
14 recommendations submitted by the community college president,
15 may adopt rules pursuant to ss. 120.536(1) and 120.54 to
16 implement the provisions of law conferring duties upon it.
17 These rules may supplement those prescribed by the State Board
18 of Education if they will contribute to the more orderly and
19 efficient operation of community colleges.

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

28 (5) Each board of trustees shall have responsibility
29 for the use, maintenance, protection, and control of community
30 college owned or community college controlled buildings and
31 grounds, property and equipment, name, trademarks and other

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1 proprietary marks, and the financial and other resources of
2 the community college. Such authority may include placing
3 restrictions on activities and on access to facilities,
4 firearms, food, tobacco, alcoholic beverages, distribution of
5 printed materials, commercial solicitation, animals, and
6 sound.

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

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

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

30 (a) Each board of trustees shall govern admission of
31 students pursuant to s. 1007.263 and rules of the State Board

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

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

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

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

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

24 (f) Each board of trustees may establish a uniform
25 code of conduct and appropriate penalties for violation of its
26 rules by students and student organizations, including rules
27 governing student academic honesty. Such penalties, unless
28 otherwise provided by law, may include fines, the withholding
29 of diplomas or transcripts pending compliance with rules or
30 payment of fines, and the imposition of probation, suspension,
31 or dismissal.

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1 (g) Each board of trustees pursuant to s. 1006.53
2 shall adopt a policy in accordance with rules of the State
3 Board of Education that reasonably accommodates the religious
4 observance, practice, and belief of individual students in
5 regard to admissions, class attendance, and the scheduling of
6 examinations and work assignments.

7 (9) A board of trustees may contract with the board of
8 trustees of a state university for the community college to
9 provide college-preparatory instruction on the state
10 university campus.

11 (10) Each board of trustees shall establish fees
12 pursuant to ss. 1009.22, 1009.23, 1009.25, 1009.26, and
13 1009.27.

14 (11) Each board of trustees shall submit an
15 institutional budget request, including a request for fixed
16 capital outlay, and an operating budget to the State Board of
17 Education for approval in accordance with guidelines
18 established by the State Board of Education.

19 (12) Each board of trustees shall account for
20 expenditures of all state, local, federal and other funds in
21 the manner described by the Department of Education.

22 (13) Each board of trustees is responsible for the
23 uses for the proceeds of academic improvement trust funds
24 pursuant to s. 1011.85.

25 (14) Each board of trustees shall develop a strategic
26 plan specifying institutional goals and objectives for the
27 community college for recommendation to the State Board of
28 Education.

29 (15) Each board of trustees shall develop an
30 accountability plan pursuant to s. 1008.45.

31 (16) Each board of trustees must expend performance

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1 funds provided for workforce development education pursuant to
2 the provisions of s. 1011.80.

3 (17) Each board of trustees is accountable for
4 performance in certificate career education and diploma
5 programs pursuant to s. 1008.44.

6 (18) Each board of trustees shall establish the
7 personnel program for all employees of the community college,
8 including the president, pursuant to the provisions of chapter
9 1012 and rules and guidelines of the State Board of Education,
10 including: compensation and other conditions of employment;
11 recruitment and selection; nonreappointment; standards for
12 performance and conduct; evaluation; benefits and hours of
13 work; leave policies; recognition; inventions and work
14 products; travel; learning opportunities; exchange programs;
15 academic freedom and responsibility; promotion; assignment;
16 demotion; transfer; ethical obligations and conflict of
17 interest; restrictive covenants; disciplinary actions;
18 complaints; appeals and grievance procedures; and separation
19 and termination from employment.

20 (19) Each board of trustees shall appoint, suspend, or
21 remove the president of the community college. The board of
22 trustees may appoint a search committee. The board of trustees
23 shall conduct annual evaluations of the president in
24 accordance with rules of the State Board of Education and
25 submit such evaluations to the State Board of Education for
26 review. The evaluation must address the achievement of the
27 performance goals established by the accountability process
28 implemented pursuant to s. 1008.45 and the performance of the
29 president in achieving the annual and long-term goals and
30 objectives established in the community college's employment
31 accountability program implemented pursuant to s. 1012.86.

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

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

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

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

19 (24) Each board of trustees shall provide rules
20 governing parking and the direction and flow of traffic within
21 campus boundaries. Except for sworn law enforcement personnel,
22 persons employed to enforce campus parking rules have no
23 authority to arrest or issue citations for moving traffic
24 violations. The board of trustees may adopt a uniform code of
25 appropriate penalties for violations. Such penalties, unless
26 otherwise provided by law, may include the levying of fines,
27 the withholding of diplomas or transcripts pending compliance
28 with rules or payment of fines, and the imposition of
29 probation, suspension, or dismissal. Moneys collected from
30 parking rule infractions shall be deposited in appropriate
31 funds at each community college for student financial aid

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1 purposes.

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

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

18 (27) Each board of trustees shall be responsible for
19 managing and protecting real and personal property acquired or
20 held in trust for use by and for the benefit of such community
21 college. To that end, any board of trustees is authorized to
22 be self-insured, to enter into risk management programs, or to
23 purchase insurance for whatever coverage it may choose, or to
24 have any combination thereof, in anticipation of any loss,
25 damage, or destruction. A board of trustees may contract for
26 self-insurance services pursuant to s. 1004.725.

27 (28) Each board of trustees is authorized to enter
28 into agreements for, and accept, credit card, charge card, and
29 debit card payments as compensation for goods, services,
30 tuition, and fees. Each community college is further
31 authorized to establish accounts in credit card, charge card,

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1 and debit card banks for the deposit of sales invoices.

2 (29) Each board of trustees may provide incubator
3 facilities to eligible small business concerns pursuant to s.
4 1004.79.

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

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

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

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

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

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

31 (36) Each board of trustees may enter into

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1 lease-purchase arrangements with private individuals or
2 corporations for necessary grounds and buildings for community
3 college purposes, other than dormitories, or for buildings
4 other than dormitories to be erected for community college
5 purposes. Such arrangements shall be paid from capital outlay
6 and debt service funds as provided by s. 1011.84(2), with
7 terms not to exceed 30 years at a stipulated rate. The
8 provisions of such contracts, including building plans, are
9 subject to approval by the Department of Education, and no
10 such contract may be entered into without such approval.

11 (37) Each board of trustees may purchase, acquire,
12 receive, hold, own, manage, lease, sell, dispose of, and
13 convey title to real property, in the best interests of the
14 community college.

15 (38) Each board of trustees is authorized to borrow
16 funds and incur debt, including entering into lease-purchase
17 agreements and the issuance of revenue bonds as specifically
18 authorized and only for the purposes authorized in ss.
19 1009.22(6) and (9) and 1009.23(11) and (12). At the option of
20 the board of trustees, bonds may be issued which are secured
21 by a combination of revenues authorized to be pledged to bonds
22 pursuant to ss. 1009.22(6) and 1009.23(11) or ss. 1009.22(9)
23 and 1009.23(12). Lease-purchase agreements may be secured by a
24 combination of revenues as specifically authorized pursuant to
25 ss. 1009.22(7) and 1009.23(10).

26 (39) Each board of trustees shall prescribe conditions
27 for direct-support organizations to be certified and to use
28 community college property and services. Conditions relating
29 to certification must provide for audit review and oversight
30 by the board of trustees.

31 (40) Each board of trustees may adopt policies

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1 pursuant to s. 1010.02 that provide procedures for
2 transferring to the direct-support organization of that
3 community college for administration by such organization
4 contributions made to the community college.

5 (41) The board of trustees shall exert every effort to
6 collect all delinquent accounts pursuant to s. 1010.03.

7 (42) Each board of trustees shall implement a plan, in
8 accordance with guidelines of the State Board of Education,
9 for working on a regular basis with the other community
10 college boards of trustees, representatives of the university
11 boards of trustees, and representatives of the district school
12 boards to achieve the goals of the seamless education system.

13 (43) Each board of trustees has responsibility for
14 compliance with state and federal laws, rules, regulations,
15 and requirements.

16 (44) Each board of trustees may adopt rules,
17 procedures, and policies related to institutional governance,
18 administration, and management in order to promote orderly and
19 efficient operation, including, but not limited to, financial
20 management, budget management, physical plant management, and
21 property management.

22 (45) Each board of trustees may adopt rules and
23 procedures related to data or technology, including, but not
24 limited to, information systems, communications systems,
25 computer hardware and software, and networks.

26 (46) Each board of trustees may consider the past
27 actions of any person applying for employment and may deny
28 employment to a person because of misconduct if determined to
29 be in the best interest of the community college.

30 Section 81. Section 1001.65, Florida Statutes, is
31 created to read:

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1 1001.65 Community college presidents; powers and
2 duties.--The president is the chief executive officer of the
3 community college, shall be corporate secretary of the
4 community college board of trustees, and is responsible for
5 the operation and administration of the community college.

6 Each community college president shall:

7 (1) Recommend the adoption of rules, as appropriate,
8 to the community college board of trustees to implement
9 provisions of law governing the operation and administration
10 of the community college, which shall include the specific
11 powers and duties enumerated in this section. Such rules shall
12 be consistent with law, the mission of the community college
13 and the rules and policies of the State Board of Education.

14 (2) Prepare a budget request and an operating budget
15 pursuant to s. 1011.30 for approval by the community college
16 board of trustees at such time and in such format as the State
17 Board of Education may prescribe.

18 (3) Establish and implement policies and procedures to
19 recruit, appoint, transfer, promote, compensate, evaluate,
20 reward, demote, discipline, and remove personnel, within law
21 and rules of the State Board of Education and in accordance
22 with rules or policies approved by the community college board
23 of trustees.

24 (4) Govern admissions, subject to law and rules or
25 policies of the community college board of trustees and the
26 State Board of Education.

27 (5) Approve, execute, and administer contracts for and
28 on behalf of the community college board of trustees for
29 licenses; the acquisition or provision of commodities, goods,
30 equipment, and services; leases of real and personal property;
31 and planning and construction to be rendered to or by the

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1 community college, provided such contracts are within law and
2 guidelines of the State Board of Education and in conformance
3 with policies of the community college board of trustees, and
4 are for the implementation of approved programs of the
5 community college.

6 (6) Act for the community college board of trustees as
7 custodian of all community college property and financial
8 resources. The authority vested in the community college
9 president under this subsection includes the authority to
10 prioritize the use of community college space, property,
11 equipment, and resources and the authority to impose charges
12 for the use of those items.

13 (7) Establish the internal academic calendar of the
14 community college within general guidelines of the State Board
15 of Education.

16 (8) Administer the community college's program of
17 intercollegiate athletics.

18 (9) Recommend to the board of trustees the
19 establishment and termination of programs within the approved
20 role and scope of the community college.

21 (10) Award degrees.

22 (11) Recommend to the board of trustees a schedule of
23 tuition and fees to be charged by the community college,
24 within law and rules of the State Board of Education.

25 (12) Organize the community college to efficiently and
26 effectively achieve the goals of the community college.

27 (13) Review periodically the operations of the
28 community college in order to determine how effectively and
29 efficiently the community college is being administered and
30 whether it is meeting the goals of its strategic plan adopted
31 by the State Board of Education.

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1 (14) Enter into agreements for student exchange
2 programs that involve students at the community college and
3 students in other institutions of higher learning.

4 (15) Approve the internal procedures of student
5 government organizations and provide purchasing, contracting,
6 and budgetary review processes for these organizations.

7 (16) Ensure compliance with federal and state laws,
8 rules, regulations, and other requirements that are applicable
9 to the community college.

10 (17) Maintain all data and information pertaining to
11 the operation of the community college, and report on the
12 attainment by the community college of institutional and
13 statewide performance accountability goals.

14 (18) Certify to the department a project's compliance
15 with the requirements for expenditure of PECO funds prior to
16 release of funds pursuant to the provisions of chapter 1013.

17 (19) Provide to the law enforcement agency and fire
18 department that has jurisdiction over the community college a
19 copy of the floor plans and other relevant documents for each
20 educational facility as defined in s. 1013.01(6). After the
21 initial submission of the floor plans and other relevant
22 documents, the community college president shall submit, by
23 October 1 of each year, revised floor plans and other relevant
24 documents for each educational facility that was modified
25 during the preceding year.

26 (20) Establish a committee to consider requests for
27 waivers from the provisions of s. 1008.29 and approve or
28 disapprove the committee's recommendations.

29 (21) Develop and implement jointly with school
30 superintendents a comprehensive articulated acceleration
31 program, including a comprehensive interinstitutional

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1 articulation agreement, for the students enrolled in their
2 respective school districts and service areas pursuant to the
3 provisions of s. 1007.235.

4 (22) Have authority, after notice to the student of
5 the charges and after a hearing thereon, to expel, suspend, or
6 otherwise discipline any student who is found to have violated
7 any law, ordinance, or rule or regulation of the State Board
8 of Education or of the board of trustees of the community
9 college pursuant to the provisions of s. 1006.62.

10 (23) Submit an annual employment accountability plan
11 to the Department of Education pursuant to the provisions of
12 s. 1012.86.

13 (24) Annually evaluate, or have a designee annually
14 evaluate, each department chairperson, dean, provost, and vice
15 president in achieving the annual and long-term goals and
16 objectives of the community college's employment
17 accountability plan.

18 (25) Have vested with the president or the president's
19 designee the authority that is vested with the community
20 college.

21 Section 82. Part IV of chapter 1001, Florida Statutes,
22 shall be entitled "State Universities" and shall consist of
23 ss. 1001.71-1001.75.

24 Section 83. Section 1001.71, Florida Statutes, is
25 created to read:

26 1001.71 University boards of trustees; membership.--

27 (1) University boards of trustees shall be comprised
28 of 12 members appointed by the Governor and confirmed by the
29 Senate in the regular legislative session immediately
30 following his or her appointment. In addition, the student
31 body president elected on the main campus of the university

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1 shall serve ex officio as a voting member of his or her
2 university board of trustees. There shall be no state
3 residency requirement for university board members, but the
4 Governor shall consider diversity and regional representation.

5 (2) Members of the boards of trustees shall receive no
6 compensation but may be reimbursed for travel and per diem
7 expenses as provided in s. 112.061.

8 (3) The Governor may remove a trustee upon the
9 recommendation of the State Board of Education, or for cause.

10 (4) Boards of trustees' members shall be appointed for
11 staggered 4-year terms, and may be reappointed for additional
12 terms not to exceed 8 years of service.

13 (5) Each board of trustees shall select its chair and
14 vice chair from the appointed members at its first regular
15 meeting after July 1. The chair shall serve for 2 years and
16 may be reselected for one additional consecutive term. The
17 duties of the chair shall include presiding at all meetings of
18 the board of trustees, calling special meetings of the board
19 of trustees, attesting to actions of the board of trustees,
20 and notifying the Governor in writing whenever a board member
21 fails to attend three consecutive regular board meetings in
22 any fiscal year, which failure may be grounds for removal. The
23 duty of the vice chair is to act as chair during the absence
24 or disability of the chair.

25 (6) The university president shall serve as executive
26 officer and corporate secretary of the board of trustees and
27 shall be responsible to the board of trustees for all
28 operations of the university and for setting the agenda for
29 meetings of the board of trustees in consultation with the
30 chair.

31 Section 84. Section 1001.72, Florida Statutes, is

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1 created to read:

2 1001.72 University boards of trustees; boards to
3 constitute a corporation.--

4 (1) Each board of trustees shall be a public body
5 corporate by the name of "The (name of university) Board of
6 Trustees," with all the powers of a body corporate, including
7 the power to adopt a corporate seal, to contract and be
8 contracted with, to sue and be sued, to plead and be impleaded
9 in all courts of law or equity, and to give and receive
10 donations. In all suits against a board of trustees, service
11 of process shall be made on the chair of the board of trustees
12 or, in the absence of the chair, on the corporate secretary or
13 designee.

14 (2) It is the intent of the Legislature that the
15 university boards of trustees are not departments of the
16 executive branch of state government within the scope and
17 meaning of s. 6, Art. IV of the State Constitution.

18 (3) The corporation is constituted as a public
19 instrumentality, and the exercise by the corporation of the
20 power conferred by this section is considered to be the
21 performance of an essential public function. The corporation
22 shall constitute an agency for the purposes of s. 120.52. The
23 corporation is subject to chapter 119, subject to exceptions
24 applicable to the corporation, and to the provisions of
25 chapter 286; however, the corporation shall be entitled to
26 provide notice of internal review committee meetings for
27 competitive proposals or procurement to applicants by mail or
28 facsimile rather than by means of publication. The corporation
29 is not governed by chapter 607, but by the provisions of this
30 part. The corporation shall maintain coverage under the State
31 Risk Management Trust Fund as provided in chapter 284.

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1 (4) No bureau, department, division, agency, or
2 subdivision of the state shall exercise any responsibility and
3 authority to operate any state university except as
4 specifically provided by law or rules of the State Board of
5 Education. This section shall not prohibit any department,
6 bureau, division, agency, or subdivision of the state from
7 providing access to programs or systems or providing other
8 assistance to a state university pursuant to an agreement
9 between the board of trustees and such department, bureau,
10 division, agency, or subdivision of the state.

11 (5) University boards of trustees shall be
12 corporations primarily acting as instrumentalities or agencies
13 of the state, pursuant to s. 768.28(2), for purposes of
14 sovereign immunity.

15 Section 85. Section 1001.73, Florida Statutes, is
16 created to read:

17 1001.73 University board empowered to act as
18 trustee.--

19 (1) Whenever appointed by any competent court of the
20 state, or by any statute, or in any will, deed, or other
21 instrument, or in any manner whatever as trustee of any funds
22 or real or personal property in which any of the institutions
23 or agencies under its management, control, or supervision, or
24 their departments or branches or students, faculty members,
25 officers, or employees, may be interested as beneficiaries, or
26 otherwise, or for any educational purpose, a university board
27 of trustees is hereby authorized to act as trustee with full
28 legal capacity as trustee to administer such trust property,
29 and the title thereto shall vest in said board as trustee. In
30 all such cases, the university board of trustees shall have
31 the power and capacity to do and perform all things as fully

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1 as any individual trustee or other competent trustee might do
2 or perform, and with the same rights, privileges, and duties,
3 including the power, capacity, and authority to convey,
4 transfer, mortgage, or pledge such property held in trust and
5 to contract and execute all other documents relating to said
6 trust property which may be required for, or appropriate to,
7 the administration of such trust or to accomplish the purposes
8 of any such trust.

9 (2) Deeds, mortgages, leases, and other contracts of
10 the university board of trustees relating to real property of
11 any such trust or any interest therein may be executed by the
12 university board of trustees, as trustee, in the same manner
13 as is provided by the laws of the state for the execution of
14 similar documents by other corporations or may be executed by
15 the signatures of a majority of the members of the board of
16 trustees; however, to be effective, any such deed, mortgage,
17 or lease contract for more than 10 years of any trust
18 property, executed hereafter by the university board of
19 trustees, shall be approved by a resolution of the State Board
20 of Education; and such approving resolution may be evidenced
21 by the signature of either the chair or the secretary of the
22 State Board of Education to an endorsement on the instrument
23 approved, reciting the date of such approval, and bearing the
24 seal of the State Board of Education. Such signed and sealed
25 endorsement shall be a part of the instrument and entitled to
26 record without further proof.

27 (3) Any and all such appointments of, and acts by, the
28 Board of Regents as trustee of any estate, fund, or property
29 prior to May 18, 1949, are hereby validated, and said board's
30 capacity and authority to act as trustee subject to the
31 provisions of s. 1000.01(5)(a) in all of such cases is

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1 ratified and confirmed; and all deeds, conveyances, lease
2 contracts, and other contracts heretofore executed by the
3 Board of Regents, either by the signatures of a majority of
4 the members of the board or in the board's name by its chair
5 or chief executive officer, are hereby approved, ratified,
6 confirmed, and validated.

7 (4) Nothing herein shall be construed to authorize a
8 university board of trustees to contract a debt on behalf of,
9 or in any way to obligate, the state; and the satisfaction of
10 any debt or obligation incurred by the university board as
11 trustee under the provisions of this section shall be
12 exclusively from the trust property, mortgaged or encumbered;
13 and nothing herein shall in any manner affect or relate to the
14 provisions of ss. 1010.61-1010.619, or s. 1013.78.

15 Section 86. Section 1001.74, Florida Statutes, is
16 created to read:

17 1001.74 Powers and duties of university boards of
18 trustees.--

19 (1) The boards of trustees shall be responsible for
20 cost-effective policy decisions appropriate to the
21 university's mission, the implementation and maintenance of
22 high quality education programs within law and rules of the
23 State Board of Education, the measurement of performance, the
24 reporting of information, and the provision of input regarding
25 state policy, budgeting, and education standards.

26 (2) Each board of trustees is vested with the
27 authority to govern its university, as necessary to provide
28 proper governance and improvement of the university in
29 accordance with law and with rules of the State Board of
30 Education. Each board of trustees shall perform all duties
31 assigned by law or by rule of the State Board of Education or

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1 the Commissioner of Education.

2 (3) A board of trustees shall have the power to take
3 action without a recommendation from the president and shall
4 have the power to require the president to deliver to the
5 board of trustees all data and information required by the
6 board of trustees in the performance of its duties.

7 (4) Each board of trustees may adopt rules pursuant to
8 ss. 120.536(1) and 120.54 to implement the provisions of law
9 conferring duties upon it. Such rules must be consistent with
10 rules of the State Board of Education.

11 (5) Each board of trustees shall have the authority to
12 acquire real and personal property and contract for the sale
13 and disposal of same and approve and execute contracts for the
14 purchase, sale, lease, license, or acquisition of commodities,
15 goods, equipment, contractual services, leases of real and
16 personal property, and construction. The acquisition may
17 include purchase by installment or lease-purchase. Such
18 contracts may provide for payment of interest on the unpaid
19 portion of the purchase price. Title to all real property
20 acquired prior to January 7, 2003, and to all real property
21 acquired with funds appropriated by the Legislature shall be
22 vested in the Board of Trustees of the Internal Improvement
23 Trust Fund and shall be transferred and conveyed by it.
24 Notwithstanding any other provisions of this subsection, each
25 board of trustees shall comply with the provisions of s.
26 287.055 for the procurement of professional services as
27 defined therein.

28 (6) Each board of trustees shall have responsibility
29 for the use, maintenance, protection, and control of
30 university-owned or university-controlled buildings and
31 grounds, property and equipment, name, trademarks and other

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1 proprietary marks, and the financial and other resources of
2 the university. Such authority may include placing
3 restrictions on activities and on access to facilities,
4 firearms, food, tobacco, alcoholic beverages, distribution of
5 printed materials, commercial solicitation, animals, and
6 sound. The authority vested in the board of trustees in this
7 subsection includes the prioritization of the use of space,
8 property, equipment, and resources and the imposition of
9 charges for those items.

10 (7) Each board of trustees has responsibility for the
11 establishment and discontinuance of degree programs up to and
12 including the master's degree level; the establishment and
13 discontinuance of course offerings; provision of credit and
14 noncredit educational offerings; location of classes; services
15 provided; and dissemination of information concerning such
16 programs and services. Approval of new programs must be
17 pursuant to criteria established by the State Board of
18 Education.

19 (8) Each board of trustees is authorized to create
20 divisions of sponsored research pursuant to the provisions of
21 s. 1011.411 to serve the function of administration and
22 promotion of the programs of research.

23 (9) Each board of trustees has responsibility for:
24 ensuring that students have access to general education
25 courses as identified in rule and requiring no more than 120
26 semester hours of coursework for baccalaureate degree programs
27 unless approved by the State Board of Education. At least half
28 of the required coursework for any baccalaureate degree must
29 be offered at the lower-division level, except in program
30 areas approved by the State Board of Education.

31 (10) Each board of trustees has responsibility for

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1 policies related to students, enrollment of students, student
2 activities and organizations, financial assistance, and other
3 student services.

4 (a) Each board of trustees shall govern admission of
5 students pursuant to s. 1007.261 and rules of the State Board
6 of Education. Each board of trustees may consider the past
7 actions of any person applying for admission or enrollment and
8 may deny admission or enrollment to an applicant because of
9 misconduct if determined to be in the best interest of the
10 university.

11 (b) Each board of trustees shall establish student
12 performance standards for the award of degrees and
13 certificates.

14 (c) Each board of trustees must identify its core
15 curricula and work with school districts to ensure that its
16 curricula coordinate with the core curricula and prepare
17 students for college-level work.

18 (d) Each board of trustees must adopt a written
19 antihazing policy, appropriate penalties for violations of
20 such policy, and a program for enforcing such policy.

21 (e) Each board of trustees may establish a uniform
22 code of conduct and appropriate penalties for violations of
23 its rules by students and student organizations, including
24 rules governing student academic honesty. Such penalties,
25 unless otherwise provided by law, may include fines, the
26 withholding of diplomas or transcripts pending compliance with
27 rules or payment of fines, and the imposition of probation,
28 suspension, or dismissal.

29 (f) Each board of trustees shall establish a
30 committee, at least one-half of the members of which shall be
31 students appointed by the student body president, to

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1 periodically review and evaluate the student judicial system.

2 (g) Each board of trustees must adopt a policy
3 pursuant to s. 1006.53 that reasonably accommodates the
4 religious observance, practice, and belief of individual
5 students in regard to admissions, class attendance, and the
6 scheduling of examinations and work assignments.

7 (h) A board of trustees may establish
8 intrainstitutional and interinstitutional programs to maximize
9 articulation pursuant to s. 1007.22.

10 (i) Each board of trustees shall approve the internal
11 procedures of student government organizations.

12 (11) Each board of trustees shall establish fees
13 pursuant to ss. 1009.24 and 1009.26.

14 (12) Each board of trustees shall submit an
15 institutional budget request, including a request for fixed
16 capital outlay, and an operating budget to the State Board of
17 Education for approval in accordance with guidelines
18 established by the State Board of Education.

19 (13) Each board of trustees shall account for
20 expenditures of all state, local, federal, and other funds in
21 the manner described by the Department of Education.

22 (14) Each board of trustees shall develop a strategic
23 plan specifying institutional goals and objectives for the
24 university for recommendation to the State Board of Education.

25 (15) Each board of trustees shall develop an
26 accountability plan pursuant to guidelines established by the
27 State Board of Education.

28 (16) Each board of trustees shall maintain an
29 effective information system to provide accurate, timely, and
30 cost-effective information about the university.

31 (17) Each board of trustees is authorized to secure

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1 comprehensive general liability insurance pursuant to s.
2 1004.24.

3 (18) Each board of trustees may provide for payment of
4 the costs of civil actions against officers, employees, or
5 agents of the board pursuant to s. 1012.965.

6 (19) Each board of trustees shall establish the
7 personnel program for all employees of the university,
8 including the president, pursuant to the provisions of chapter
9 1012 and, in accordance with rules and guidelines of the State
10 Board of Education, including: compensation and other
11 conditions of employment, recruitment and selection,
12 nonreappointment, standards for performance and conduct,
13 evaluation, benefits and hours of work, leave policies,
14 recognition and awards, inventions and works, travel, learning
15 opportunities, exchange programs, academic freedom and
16 responsibility, promotion, assignment, demotion, transfer,
17 tenure and permanent status, ethical obligations and conflicts
18 of interest, restrictive covenants, disciplinary actions,
19 complaints, appeals and grievance procedures, and separation
20 and termination from employment. The Department of Management
21 Services shall retain authority over state university
22 employees for programs established in ss. 110.123, 110.1232,
23 110.1234, and 110.1238 and in chapters 121, 122, and 238.

24 (20) Each board of trustees may consider the past
25 actions of any person applying for employment and may deny
26 employment to a person because of misconduct if determined to
27 be in the best interest of the university.

28 (21) Each board of trustees shall appoint a
29 presidential search committee to make recommendations to the
30 full board of trustees, from which the board of trustees may
31 select a candidate for ratification by the State Board of

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1 Education.

2 (22) Each board of trustees shall conduct an annual
3 evaluation of the president in accordance with rules of the
4 State Board of Education and submit such evaluations to the
5 State Board of Education for review. The evaluation must
6 address the achievement of the performance goals established
7 by the accountability process implemented pursuant to s.
8 1008.46 and the performance of the president in achieving the
9 annual and long-term goals and objectives established in the
10 institution's employment equity accountability program
11 implemented pursuant to s. 1012.95.

12 (23) Each board of trustees constitutes the
13 contracting agent of the university.

14 (24) Each board of trustees may enter into agreements
15 for, and accept, credit card payments as compensation for
16 goods, services, tuition, and fees.

17 (25) Each board of trustees may establish educational
18 research centers for child development pursuant to s. 1011.48.

19 (26) Each board of trustees may develop and produce
20 work products relating to educational endeavors that are
21 subject to trademark, copyright, or patent statutes pursuant
22 to s. 1004.23.

23 (27) Each board of trustees shall submit to the State
24 Board of Education, for approval, all new campuses and
25 instructional centers.

26 (28) Each board of trustees shall administer a program
27 for the maintenance and construction of facilities pursuant to
28 chapter 1013.

29 (29) Each board of trustees shall ensure compliance
30 with the provisions of s. 287.09451 for all procurement and
31 ss. 255.101 and 255.102 for construction contracts, and rules

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1 adopted pursuant thereto, relating to the utilization of
2 minority business enterprises, except that procurements
3 costing less than the amount provided for in CATEGORY FIVE as
4 provided in s. 287.017 shall not be subject to s. 287.09451.

5 (30) Each board of trustees may exercise the right of
6 eminent domain pursuant to the provisions of chapter 1013. Any
7 suits or actions brought by the board of trustees shall be
8 brought in the name of the board of trustees, and the
9 Department of Legal Affairs shall conduct the proceedings for,
10 and act as the counsel of, the board of trustees.

11 (31) Notwithstanding the provisions of s. 253.025,
12 each board of trustees may, with the consent of the Board of
13 Trustees of the Internal Improvement Trust Fund, sell, convey,
14 transfer, exchange, trade, or purchase real property and
15 related improvements necessary and desirable to serve the
16 needs and purposes of the university.

17 (a) The board of trustees may secure appraisals and
18 surveys. The board of trustees shall comply with the rules of
19 the Board of Trustees of the Internal Improvement Trust Fund
20 in securing appraisals. Whenever the board of trustees finds
21 it necessary for timely property acquisition, it may contract,
22 without the need for competitive selection, with one or more
23 appraisers whose names are contained on the list of approved
24 appraisers maintained by the Division of State Lands in the
25 Department of Environmental Protection.

26 (b) The board of trustees may negotiate and enter into
27 an option contract before an appraisal is obtained. The option
28 contract must state that the final purchase price may not
29 exceed the maximum value allowed by law. The consideration for
30 such an option contract may not exceed 10 percent of the
31 estimate obtained by the board of trustees or 10 percent of

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1 the value of the parcel, whichever is greater, unless
2 otherwise authorized by the board of trustees.

3 (c) This subsection is not intended to abrogate in any
4 manner the authority delegated to the Board of Trustees of the
5 Internal Improvement Trust Fund or the Division of State Lands
6 to approve a contract for purchase of state lands or to
7 require policies and procedures to obtain clear legal title to
8 parcels purchased for state purposes. Title to property
9 acquired by a university board of trustees prior to January 7,
10 2003, and to property acquired with funds appropriated by the
11 Legislature shall vest in the Board of Trustees of the
12 Internal Improvement Trust Fund.

13 (32) Each board of trustees shall prepare and adopt a
14 campus master plan pursuant to s. 1013.30.

15 (33) Each board of trustees shall prepare, adopt, and
16 execute a campus development agreement pursuant to s. 1013.30.

17 (34) Each board of trustees has responsibility for
18 compliance with state and federal laws, rules, regulations,
19 and requirements.

20 (35) Each board of trustees may govern traffic on the
21 grounds of that campus pursuant to s. 1006.66.

22 (36) A board of trustees has responsibility for
23 supervising faculty practice plans for the academic health
24 science centers.

25 (37) Each board of trustees shall prescribe conditions
26 for direct-support organizations and university health
27 services support organizations to be certified and to use
28 university property and services. Conditions relating to
29 certification must provide for audit review and oversight by
30 the board of trustees.

31 (38) Each board of trustees shall actively implement a

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1 plan, in accordance with guidelines of the State Board of
2 Education, for working on a regular basis with the other
3 university boards of trustees, representatives of the
4 community college boards of trustees, and representatives of
5 the district school boards, to achieve the goals of the
6 seamless education system.

7 (39) Notwithstanding the provisions of s. 216.351, a
8 board of trustees may authorize the rent or lease of parking
9 facilities, provided that such facilities are funded through
10 parking fees or parking fines imposed by a university. A board
11 of trustees may authorize a university to charge fees for
12 parking at such rented or leased parking facilities.

13 (40) Each board of trustees may adopt rules and
14 procedures related to data and technology, including
15 information systems, communications systems, computer hardware
16 and software, and networks.

17 (41) A board of trustees shall perform such other
18 duties as are provided by law or rule of the State Board of
19 Education.

20 Section 87. Section 1001.75, Florida Statutes, is
21 created to read:

22 1001.75 University presidents; powers and duties.--The
23 president is the chief executive officer of the state
24 university, shall be corporate secretary of the university
25 board of trustees, and is responsible for the operation and
26 administration of the university. Each state university
27 president shall:

28 (1) Recommend the adoption of rules, as appropriate,
29 to the university board of trustees to implement provisions of
30 law governing the operation and administration of the
31 university, which shall include the specific powers and duties

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1 enumerated in this section. Such rules shall be consistent
2 with the mission of the university and the rules and policies
3 of the State Board of Education.

4 (2) Prepare a budget request and an operating budget
5 for approval by the university board of trustees.

6 (3) Establish and implement policies and procedures to
7 recruit, appoint, transfer, promote, compensate, evaluate,
8 reward, demote, discipline, and remove personnel, within law
9 and rules of the State Board of Education and in accordance
10 with rules or policies approved by the university board of
11 trustees.

12 (4) Govern admissions, subject to law and rules or
13 policies of the university board of trustees and the State
14 Board of Education.

15 (5) Approve, execute, and administer contracts for and
16 on behalf of the university board of trustees for licenses;
17 the acquisition or provision of commodities, goods, equipment,
18 and services; leases of real and personal property; and
19 planning and construction to be rendered to or by the
20 university, provided such contracts are within law and rules
21 of the State Board of Education and in conformance with
22 policies of the university board of trustees, and are for the
23 implementation of approved programs of the university.

24 University presidents shall comply with the provisions of s.
25 287.055 for the procurement of professional services and may
26 approve and execute all contracts on behalf of the board of
27 trustees for planning, construction, and equipment. For the
28 purposes of a university president's contracting authority, a
29 "continuing contract" for professional services under the
30 provisions of s. 287.055 is one in which construction costs do
31 not exceed \$1 million or the fee for study activity does not

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1 exceed \$100,000.

2 (6) Act for the university board of trustees as
3 custodian of all university property.

4 (7) Establish the internal academic calendar of the
5 university within general guidelines of the State Board of
6 Education.

7 (8) Administer the university's program of
8 intercollegiate athletics.

9 (9) Recommend to the board of trustees the
10 establishment and termination of undergraduate and
11 master's-level degree programs within the approved role and
12 scope of the university.

13 (10) Award degrees.

14 (11) Recommend to the board of trustees a schedule of
15 tuition and fees to be charged by the university, within law
16 and rules of the State Board of Education.

17 (12) Organize the university to efficiently and
18 effectively achieve the goals of the university.

19 (13) Review periodically the operations of the
20 university in order to determine how effectively and
21 efficiently the university is being administered and whether
22 it is meeting the goals of its strategic plan adopted by the
23 State Board of Education.

24 (14) Enter into agreements for student exchange
25 programs that involve students at the university and students
26 in other postsecondary educational institutions.

27 (15) Provide purchasing, contracting, and budgetary
28 review processes for student government organizations.

29 (16) Ensure compliance with federal and state laws,
30 rules, regulations, and other requirements that are applicable
31 to the university.

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1 (17) Maintain all data and information pertaining to
2 the operation of the university, and report on the attainment
3 by the university of institutional and statewide performance
4 accountability goals.

5 (18) Adjust property records and dispose of
6 state-owned tangible personal property in the university's
7 custody in accordance with procedures established by the
8 university board of trustees. Notwithstanding the provisions
9 of s. 273.055(5), all moneys received from the disposition of
10 state-owned tangible personal property shall be retained by
11 the university and disbursed for the acquisition of tangible
12 personal property and for all necessary operating
13 expenditures. The university shall maintain records of the
14 accounts into which such moneys are deposited.

15 (19) Have vested with the president or the president's
16 designee the powers, duties, and authority that is vested with
17 the university.

18 Section 88. Chapter 1002, Florida Statutes, shall be
19 entitled "Student and Parental Rights and Educational Choices"
20 and shall consist of ss. 1002.01-1002.44.

21 Section 89. Part I of chapter 1002, Florida Statutes,
22 shall be entitled "General Provisions" and shall consist of s.
23 1002.01.

24 Section 90. Section 1002.01, Florida Statutes, is
25 created to read:

26 1002.01 Definitions.--

27 (1) A "home education program" means the sequentially
28 progressive instruction of a student directed by his or her
29 parent in order to satisfy the attendance requirements of ss.
30 1002.41, 1003.01(4), and 1003.21(1).

31 (2) A "private school" is a nonpublic school defined

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1 as an individual, association, copartnership, or corporation,
2 or department, division, or section of such organizations,
3 that designates itself as an educational center that includes
4 kindergarten or a higher grade or as an elementary, secondary,
5 business, technical, or trade school below college level or
6 any organization that provides instructional services that
7 meet the intent of s. 1003.01(14) or that gives preemployment
8 or supplementary training in technology or in fields of trade
9 or industry or that offers academic, literary, or career and
10 technical training below college level, or any combination of
11 the above, including an institution that performs the
12 functions of the above schools through correspondence or
13 extension, except those licensed under the provisions of
14 chapter 1005. A private school may be a parochial, religious,
15 denominational, for-profit, or nonprofit school. This
16 definition does not include home education programs conducted
17 in accordance with s. 1002.41.

18 Section 91. Part II of chapter 1002, Florida Statutes,
19 shall be entitled "Student and Parental Rights" and shall
20 consist of ss. 1002.20-1002.22.

21 Section 92. Section 1002.20, Florida Statutes, is
22 created to read:

23 1002.20 K-12 student and parent rights.--K-12 students
24 and their parents are afforded numerous statutory rights
25 including, but not limited to, the following:

26 (1) SYSTEM OF EDUCATION.--In accordance with s. 1,
27 Art. IX of the State Constitution, all K-12 public school
28 students are entitled to a uniform, safe, secure, efficient,
29 and high quality system of education, one that allows students
30 the opportunity to obtain a high quality education. Parents
31 are responsible to ready their children for school; however,

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1 the State of Florida cannot be the guarantor of each
2 individual student's success.

3 (2) ATTENDANCE.--

4 (a) Compulsory school attendance.--The compulsory
5 school attendance laws apply to all children between the ages
6 of 6 and 16 years, as provided in s. 1003.21(1) and (2)(a),
7 and, in accordance with the provisions of s. 1003.21(1) and
8 (2)(a):

9 1. A student who attains the age of 16 years during
10 the school year has the right to file a formal declaration of
11 intent to terminate school enrollment if the declaration is
12 signed by the parent. The parent has the right to be notified
13 by the school district of the district's receipt of the
14 student's declaration of intent to terminate school
15 enrollment.

16 2. Students who become or have become married or who
17 are pregnant and parenting have the right to attend school and
18 receive the same or equivalent educational instruction as
19 other students.

20 (b) Regular school attendance.--Parents of students
21 who have attained the age of 6 years by February 1 of any
22 school year but who have not attained the age of 16 years must
23 comply with the compulsory school attendance laws. Parents
24 have the option to comply with the school attendance laws by
25 attendance of the student in a public school; a parochial,
26 religious, or denominational school; a private school; a home
27 education program; or a private tutoring program, in
28 accordance with the provisions of s. 1003.01(14).

29 (c) Absence for religious purposes.--A parent of a
30 public school student may request and be granted permission
31 for absence of the student from school for religious

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1 instruction or religious holidays, in accordance with the
2 provisions of s. 1003.21(2)(b).

3 (d) Dropout prevention and academic intervention
4 programs.--The parent of a public school student has the right
5 to receive written notice by certified mail prior to placement
6 of the student in a dropout prevention and academic
7 intervention program and shall be notified in writing and
8 entitled to an administrative review of any action by school
9 personnel relating to the student's placement, in accordance
10 with the provisions of s. 1003.53(5).

11 (3) HEALTH ISSUES.--

12 (a) School-entry health examinations.--The parent of
13 any child attending a public or private school shall be exempt
14 from the requirement of a health examination upon written
15 request stating objections on religious grounds in accordance
16 with the provisions of s. 1003.22(1) and (2).

17 (b) Immunizations.--The parent of any child attending
18 a public or private school shall be exempt from the school
19 immunization requirements upon meeting any of the exemptions
20 in accordance with the provisions of s. 1003.22(5).

21 (c) Biological experiments.--Parents may request that
22 their child be excused from performing surgery or dissection
23 in biological science classes in accordance with the
24 provisions of s. 1003.47.

25 (d) Reproductive health and disease education.--A
26 public school student whose parent makes written request to
27 the school principal shall be exempted from the teaching of
28 reproductive health or any disease, including HIV/AIDS, in
29 accordance with the provisions of s. 1003.42(3).

30 (e) Contraceptive services to public school
31 students.--In accordance with the provisions of s.

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1 1006.062(7), students may not be referred to or offered
2 contraceptive services at school facilities without the
3 parent's consent.

4 (f) Career and technical education courses involving
5 hazardous substances.--High school students must be given
6 plano safety glasses or devices in career and technical
7 education courses involving the use of hazardous substances
8 likely to cause eye injury, in accordance with the provisions
9 of s. 1006.65.

10 (g) Substance abuse reports.--The parent of a public
11 school student must be timely notified of any verified report
12 of a substance abuse violation by the student, in accordance
13 with the provisions of s. 1006.09(8).

14 (h) Inhaler use.--Asthmatic students whose parent and
15 physician provide their approval to the school principal may
16 carry a metered dose inhaler on their person while in school.
17 The school principal shall be provided a copy of the parent's
18 and physician's approval.

19 (4) DISCIPLINE.--

20 (a) Suspension of public school student.--In
21 accordance with the provisions of s. 1006.09(1)-(4):

22 1. A student may be suspended only as provided by rule
23 of the district school board. A good faith effort must be made
24 to immediately inform the parent by telephone of the student's
25 suspension and the reason. Each suspension and the reason
26 must be reported in writing within 24 hours to the parent by
27 U.S. mail. A good faith effort must be made to use parental
28 assistance before suspension unless the situation requires
29 immediate suspension.

30 2. A student with a disability may only be recommended
31 for suspension or expulsion in accordance with State Board of

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1 Education rules.

2 (b) Expulsion.--Public school students and their
3 parents have the right to written notice of a recommendation
4 of expulsion, including the charges against the student and a
5 statement of the right of the student to due process, in
6 accordance with the provisions of s. 1001.51(8).

7 (c) Corporal punishment.--In accordance with the
8 provisions of s. 1003.32, corporal punishment of a public
9 school student may only be administered by a teacher or school
10 principal within guidelines of the school principal and
11 according to district school board policy. Another adult must
12 be present and must be informed in the student's presence of
13 the reason for the punishment. Upon request, the teacher or
14 school principal must provide the parent with a written
15 explanation of the reason for the punishment and the name of
16 the other adult who was present.

17 (5) SAFETY.--In accordance with the provisions of s.
18 1006.13(5), students who have been victims of certain felony
19 offenses by other students, as well as the siblings of the
20 student victims, have the right to be kept separated from the
21 student offender both at school and during school
22 transportation.

23 (6) EDUCATIONAL CHOICE.--

24 (a) Public school choices.--Parents of public school
25 students may seek whatever public school choice options that
26 are applicable to their students and are available to students
27 in their school districts. These options may include
28 controlled open enrollment, lab schools, charter schools,
29 charter technical career centers, magnet schools, alternative
30 schools, special programs, advanced placement, dual
31 enrollment, International Baccalaureate, early admissions,

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1 credit by examination or demonstration of competency, the New
2 World School of the Arts, the Florida School for the Deaf and
3 the Blind, and the Florida Virtual School. These options may
4 also include the public school choice options of the
5 Opportunity Scholarship Program and the McKay Scholarships for
6 Students with Disabilities Program.

7 (b) Private school choices.--Parents of public school
8 students may seek private school choice options under certain
9 programs.

10 1. Under the Opportunity Scholarship Program, the
11 parent of a student in a failing public school may request and
12 receive an opportunity scholarship for the student to attend a
13 private school in accordance with the provisions of s.
14 1002.38.

15 2. Under the McKay Scholarships for Students with
16 Disabilities Program, the parent of a public school student
17 with a disability who is dissatisfied with the student's
18 progress may request and receive a McKay Scholarship for the
19 student to attend a private school in accordance with the
20 provisions of s. 1002.39.

21 3. Under the corporate income tax credit scholarship
22 program, the parent of a student who qualifies for free or
23 reduced-price school lunch may seek a scholarship from an
24 eligible nonprofit scholarship-funding organization in
25 accordance with the provisions of s. 220.187.

26 (c) Home education.--The parent of a student may
27 choose to place the student in a home education program in
28 accordance with the provisions of s. 1002.41.

29 (d) Private tutoring.--The parent of a student may
30 choose to place the student in a private tutoring program in
31 accordance with the provisions of s. 1002.43(1).

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1 (7) NONDISCRIMINATION.--All education programs,
2 activities, and opportunities offered by public educational
3 institutions must be made available without discrimination on
4 the basis of race, ethnicity, national origin, gender,
5 disability, or marital status, in accordance with the
6 provisions of s. 1000.05.

7 (8) STUDENTS WITH DISABILITIES.--Parents of public
8 school students with disabilities and parents of public school
9 students in residential care facilities are entitled to notice
10 and due process in accordance with the provisions of ss.
11 1003.57 and 1003.58. Public school students with disabilities
12 must be provided the opportunity to meet the graduation
13 requirements for a standard high school diploma in accordance
14 with the provisions of s. 1003.43(4). Certain public school
15 students with disabilities may be awarded a special diploma
16 upon high school graduation.

17 (9) BLIND STUDENTS.--Blind students have the right to
18 an individualized written education program and appropriate
19 instructional materials to attain literacy, in accordance with
20 provisions of s. 1003.55.

21 (10) LIMITED ENGLISH PROFICIENT STUDENTS.--In
22 accordance with the provisions of s. 1003.56, limited English
23 proficient students have the right to receive ESOL (English
24 for Speakers of Other Languages) instruction designed to
25 develop the student's mastery of listening, speaking, reading,
26 and writing in English as rapidly as possible, and the
27 students' parents have the right of parental involvement in
28 the ESOL program.

29 (11) BASIC RELIGIOUS FREEDOMS.--In accordance with the
30 joint statement of current case law by the American Jewish
31 Congress, the ACLU, the Anti-Defamation League, and others:

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1 (a) Right to pray.--Students have the right to pray
2 individually or in groups or to discuss their religious views
3 with their peers so long as they are not disruptive. Students
4 have the right to read Bibles, other scriptures, or other
5 religious materials, say grace before meals, pray before
6 tests, and discuss religion with other willing student
7 listeners. In the classroom, students have the right to pray
8 in a manner that does not distract other students except when
9 required to be actively engaged in school activities such as
10 participating in class discussion or responding to teachers'
11 questions. In settings such as the cafeteria or the halls,
12 students may pray quietly or silently, subject to the same
13 rules of order as apply to other speech in these locations.
14 The right to engage in voluntary prayer does not include the
15 right to have a captive audience of other students listen to
16 prayers or listen to proselytizing information, nor does it
17 include the right to compel other students to participate in
18 any religion related discussions or activities.

19 (b) Right to express.--Students may express their
20 religious beliefs in the form of reports, homework, and
21 artwork, and such expressions are constitutionally protected.
22 Teachers may not reject or correct such submissions simply
23 because they include a religious symbol or address religious
24 themes.

25 (c) Right to distribute.--Students have the right to
26 distribute religious literature to their schoolmates, subject
27 to those reasonable time, place, and manner or other
28 constitutionally acceptable restrictions imposed on the
29 distribution of all nonschool literature.

30 (d) Right to participate.--Student participation in
31 before-school or after-school events, such as "See you at the

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1 pole," is permissible.

2 (e) Right to speak.--Students have the right to speak
3 to, and attempt to persuade, their peers about religious
4 topics just as they do with regard to political topics,
5 subject to those reasonable time, place, and manner or other
6 constitutionally acceptable restrictions imposed on other
7 speech within the school. The right to speak does not include
8 the right to have a captive audience of other students listen
9 to prayers or listen to proselytizing information, nor does it
10 include the right to compel other students to participate in
11 any religion related discussions or activities.

12 (f) Right to meet.--Student religious clubs in
13 secondary schools must be permitted to meet and to have equal
14 access to campus media to announce their meetings if a school
15 receives federal funds and permits any student noncurricular
16 club to meet during noninstructional time.

17 (12) PLEDGE OF ALLEGIANCE.--A public school student
18 must be excused from reciting the pledge of allegiance upon
19 written request by the student's parent, in accordance with
20 the provisions of s. 1003.44.

21 (13) STUDENT RECORDS.--

22 (a) Parent rights.--Parents have rights regarding the
23 student records of their children, including right of access,
24 right of waiver of access, right to challenge and hearing, and
25 right of privacy, in accordance with the provisions of s.
26 1002.22.

27 (b) Student rights.--In accordance with the provisions
28 of s. 1008.386, a student is not required to provide his or
29 her social security number as a condition for enrollment or
30 graduation.

31 (14) STUDENT REPORT CARDS.--Students and their parents

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1 have the right to receive student report cards on a regular
2 basis that clearly depict and grade the student's academic
3 performance in each class or course, the student's conduct,
4 and the student's attendance, in accordance with the
5 provisions of s. 1003.33.

6 (15) STUDENT PROGRESS REPORTS.--Parents of public
7 school students shall be apprised at regular intervals of the
8 academic progress and other needed information regarding their
9 child, in accordance with the provisions of s. 1003.02(1)(h)2.

10 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT
11 RATING REPORTS.--Parents of public school students are
12 entitled to an easy-to-read report card about the grade
13 designation, school accountability including the school
14 financial report, and school improvement rating of their
15 child's school in accordance with the provisions of ss.
16 1008.22, 1003.02(3), and 1010.215(5).

17 (17) ATHLETICS; PUBLIC HIGH SCHOOL.--

18 (a) Eligibility.--Eligibility requirements for all
19 students participating in high school athletic competition
20 must allow a student to be eligible in the school in which he
21 or she first enrolls each school year, or makes himself or
22 herself a candidate for an athletic team by engaging in
23 practice before enrolling, in accordance with the provisions
24 of s. 1006.20(2)(a).

25 (b) Medical evaluation.--Students must satisfactorily
26 pass a medical evaluation each year before participating in
27 athletics, unless the parent objects in writing based on
28 religious tenets or practices, in accordance with the
29 provisions of s. 1006.20(2)(d).

30 (18) EXTRACURRICULAR ACTIVITIES.--In accordance with
31 the provisions of s. 1006.15:

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1 (a) Eligibility.--Students who meet specified academic
2 and conduct requirements are eligible to participate in
3 extracurricular activities.

4 (b) Home education students.--Home education students
5 who meet specified academic and conduct requirements are
6 eligible to participate in extracurricular activities at the
7 public school to which the student would be assigned or could
8 choose to attend according to district school board policies,
9 or may develop an agreement to participate at a private
10 school.

11 (c) Charter school students.--Charter school students
12 who meet specified academic and conduct requirements are
13 eligible to participate in extracurricular activities at the
14 public school to which the student would be assigned or could
15 choose to attend according to district school board policies,
16 unless such activity is provided by the student's charter
17 school.

18 (d) Discrimination prohibited.--Organizations that
19 regulate or govern extracurricular activities of public
20 schools shall not discriminate against any eligible student
21 based on an educational choice of public, private, or home
22 education.

23 (19) INSTRUCTIONAL MATERIALS.--

24 (a) Core courses.--Each public school student is
25 entitled to sufficient instructional materials in the core
26 courses of mathematics, language arts, social studies,
27 science, reading, and literature, in accordance with the
28 provisions of ss. 1003.02(1)(d) and 1006.40(2).

29 (b) Curricular objectives.--The parent of each public
30 school student has the right to receive effective
31 communication from the school principal as to the manner in

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1 which instructional materials are used to implement the
2 school's curricular objectives, in accordance with the
3 provisions of s. 1006.28(3)(a).

4 (c) Sale of instructional materials.--Upon request of
5 the parent of a public school student, the school principal
6 must sell to the parent any instructional materials used in
7 the school, in accordance with the provisions of s.
8 1006.28(3)(c).

9 (d) Dual enrollment students.--Instructional materials
10 purchased by a district school board or community college
11 board of trustees on behalf of public school dual enrollment
12 students shall be made available to the dual enrollment
13 students free of charge, in accordance with the provisions of
14 s. 1007.271(14) and (15).

15 (20) JUVENILE JUSTICE PROGRAMS.--Students who are in
16 juvenile justice programs have the right to receive
17 educational programs and services in accordance with the
18 provisions of s. 1003.52.

19 (21) PARENTAL INPUT AND MEETINGS.--

20 (a) Meetings with school district personnel.--Parents
21 of public school students may be accompanied by another adult
22 of their choice at any meeting with school district personnel.

23 (b) School district best financial management practice
24 reviews.--Public school students and their parents may provide
25 input regarding their concerns about the operations and
26 management of the school district both during and after the
27 conduct of a school district best financial management
28 practices review, in accordance with the provisions of s.
29 1008.35.

30 (c) District school board educational facilities
31 programs.--Parents of public school students and other members

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1 of the public have the right to receive proper public notice
2 and opportunity for public comment regarding the district
3 school board's educational facilities work program, in
4 accordance with the provisions of s. 1013.35.

5 (22) TRANSPORTATION.--

6 (a) Transportation to school.--Public school students
7 shall be provided transportation to school, in accordance with
8 the provisions of s. 1006.21(3)(a).

9 (b) Hazardous walking conditions.--K-6 public school
10 students shall be provided transportation if they are
11 subjected to hazardous walking conditions, in accordance with
12 the provisions of ss. 1006.21(3)(b) and 1006.23.

13 (c) Parental consent.--Each parent of a public school
14 student must be notified in writing and give written consent
15 before the student may be transported in a privately owned
16 motor vehicle to a school function, in accordance with the
17 provisions of s. 1006.22(2)(b).

18 Section 93. Section 1002.21, Florida Statutes, is
19 created to read:

20 1002.21 Postsecondary student and parent rights.--

21 (1) STUDENT RECORDS.--Parents have rights regarding
22 the student records of their children, and students 18 years
23 of age and older have rights regarding their student records,
24 including right of access, right of waiver of access, right to
25 challenge and hearing, and right of privacy, in accordance
26 with the provisions of ss. 1002.22, 1005.36, and 1006.52.

27 (2) LEARNING DISABLED STUDENTS.--Impaired and learning
28 disabled students may be eligible for reasonable substitution
29 for admission, graduation, and upper-level division
30 requirements of public postsecondary educational institutions,
31 in accordance with the provisions of s. 1007.264.

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1 (3) EXPULSION, SUSPENSION, DISCIPLINE.--Public
2 postsecondary education students may be expelled, suspended,
3 or otherwise disciplined by the president of a public
4 postsecondary educational institution after notice to the
5 student of the charges and a hearing on the charges, in
6 accordance with the provisions of s. 1006.62.

7 (4) RELIGIOUS BELIEFS.--Public postsecondary
8 educational institutions must provide reasonable
9 accommodations for the religious practices and beliefs of
10 individual students in regard to admissions, class attendance,
11 and the scheduling of examinations and work assignments, in
12 accordance with the provisions of s. 1006.53, and must provide
13 and describe in the student handbook a grievance procedure for
14 students to seek redress when they feel they have been
15 unreasonably denied an educational benefit due to their
16 religious beliefs or practices.

17 (5) STUDENT HANDBOOKS.--Each state university and
18 community college shall provide its students with an
19 up-to-date student handbook that includes student rights and
20 responsibilities, appeals processes available to students,
21 contact persons available to help students, student conduct
22 code, and information regarding HIV and AIDS, in accordance
23 with the provisions of s. 1006.50.

24 (6) STUDENT OMBUDSMAN OFFICE.--Each state university
25 and community college shall maintain a student ombudsman
26 office and established procedures for students to appeal to
27 the office regarding decisions about the student's access to
28 courses and credit granted toward the student's degree, in
29 accordance with the provisions of s. 1006.51.

30 Section 94. Section 1002.22, Florida Statutes, is
31 created to read:

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1 1002.22 Student records and reports; rights of parents
2 and students; notification; penalty.--

3 (1) PURPOSE.--The purpose of this section is to
4 protect the rights of students and their parents with respect
5 to student records and reports as created, maintained, and
6 used by public educational institutions in the state. The
7 intent of the Legislature is that students and their parents
8 shall have rights of access, rights of challenge, and rights
9 of privacy with respect to such records and reports, and that
10 rules shall be available for the exercise of these rights.

11 (2) DEFINITIONS.--As used in this section:

12 (a) "Chief executive officer" means that person,
13 whether elected or appointed, who is responsible for the
14 management and administration of any public educational body
15 or unit, or the chief executive officer's designee for student
16 records; that is, the district school superintendent, the
17 director of an area technical center, the president of a
18 public postsecondary educational institution, or their
19 designees.

20 (b) "Directory information" includes the student's
21 name, address, telephone number if it is a listed number, date
22 and place of birth, major field of study, participation in
23 officially recognized activities and sports, weight and height
24 of members of athletic teams, dates of attendance, degrees and
25 awards received, and the most recent previous educational
26 agency or institution attended by the student.

27 (c) "Records" and "reports" mean official records,
28 files, and data directly related to students that are created,
29 maintained, and used by public educational institutions,
30 including all material that is incorporated into each
31 student's cumulative record folder and intended for school use

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1 or to be available to parties outside the school or school
2 system for legitimate educational or research purposes.
3 Materials that shall be considered as part of a student's
4 record include, but are not necessarily limited to:
5 identifying data, including a student's social security
6 number; academic work completed; level of achievement records,
7 including grades and standardized achievement test scores;
8 attendance data; scores on standardized intelligence,
9 aptitude, and psychological tests; interest inventory results;
10 health data; family background information; teacher or
11 counselor ratings and observations; verified reports of
12 serious or recurrent behavior patterns; and any other
13 evidence, knowledge, or information recorded in any medium,
14 including, but not limited to, handwriting, typewriting,
15 print, magnetic tapes, film, microfilm, and microfiche, and
16 maintained and used by an educational agency or institution or
17 by a person acting for such agency or institution. However,
18 the terms "records" and "reports" do not include:
19 1. Records of instructional, supervisory, and
20 administrative personnel, and educational personnel ancillary
21 to those persons, that are kept in the sole possession of the
22 maker of the record and are not accessible or revealed to any
23 other person except a substitute for any of such persons. An
24 example of records of this type is instructor's grade books.
25 2. Records of law enforcement units of the institution
26 that are maintained solely for law enforcement purposes and
27 that are not available to persons other than officials of the
28 institution or law enforcement officials of the same
29 jurisdiction in the exercise of that jurisdiction.
30 3. Records made and maintained by the institution in
31 the normal course of business that relate exclusively to a

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1 student in his or her capacity as an employee and that are not
2 available for use for any other purpose.

3 4. Records created or maintained by a physician,
4 psychiatrist, psychologist, or other recognized professional
5 or paraprofessional acting in his or her professional or
6 paraprofessional capacity, or assisting in that capacity, that
7 are created, maintained, or used only in connection with the
8 provision of treatment to the student and that are not
9 available to anyone other than persons providing such
10 treatment. However, such records shall be open to a physician
11 or other appropriate professional of the student's choice.

12 5. Directory information as defined in this section.

13 6. Other information, files, or data that do not
14 permit the personal identification of a student.

15 7. Letters or statements of recommendation or
16 evaluation that were confidential under Florida law and that
17 were received and made a part of the student's educational
18 records prior to July 1, 1977.

19 8. Copies of the student's fingerprints. No public
20 educational institution shall maintain any report or record
21 relative to a student that includes a copy of the student's
22 fingerprints.

23 (d) "Student" means any child or adult who is enrolled
24 or who has been enrolled in any instructional program or
25 activity conducted under the authority and direction of an
26 institution comprising a part of the state system of public
27 education and with respect to whom an educational institution
28 maintains educational records and reports or personally
29 identifiable information, but does not include a person who
30 has not been in attendance as an enrollee at such institution.

31 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any

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1 student who attends or has attended any public school, area
2 technical center, or public postsecondary educational
3 institution shall have the following rights with respect to
4 any records or reports created, maintained, and used by any
5 public educational institution in the state. However,
6 whenever a student has attained 18 years of age, or is
7 attending a postsecondary educational institution, the
8 permission or consent required of, and the rights accorded to,
9 the parents of the student shall thereafter be required of and
10 accorded to the student only, unless the student is a
11 dependent student of such parents as defined in 26 U.S.C. s.
12 152 (s. 152 of the Internal Revenue Code of 1954). The State
13 Board of Education shall adopt rules whereby parents or
14 students may exercise these rights:

15 (a) Right of access.--

16 1. Such parent or student shall have the right, upon
17 request directed to the appropriate school official, to be
18 provided with a list of the types of records and reports,
19 directly related to students, as maintained by the institution
20 that the student attends or has attended.

21 2. Such parent or student shall have the right, upon
22 request, to be shown any record or report relating to such
23 student maintained by any public educational institution.
24 When the record or report includes information on more than
25 one student, the parent or student shall be entitled to
26 receive, or be informed of, only that part of the record or
27 report that pertains to the student who is the subject of the
28 request. Upon a reasonable request therefor, the institution
29 shall furnish such parent or student with an explanation or
30 interpretation of any such record or report.

31 3. Copies of any list, record, or report requested

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1 under the provisions of this paragraph shall be furnished to
2 the parent or student upon request.

3 4. The State Board of Education shall adopt rules to
4 be followed by all public educational institutions in granting
5 requests for lists, or for access to reports and records or
6 for copies or explanations thereof under this paragraph.
7 However, access to any report or record requested under the
8 provisions of subparagraph 2. shall be granted within 30 days
9 after receipt of such request by the institution. Fees may be
10 charged for furnishing any copies of reports or records
11 requested under subparagraph 3., but such fees shall not
12 exceed the actual cost to the institution of producing such
13 copies.

14 (b) Right of waiver of access to confidential letters
15 or statements.--A parent or student shall have the right to
16 waive the right of access to letters or statements of
17 recommendation or evaluation, except that such waiver shall
18 apply to recommendations or evaluations only if:

19 1. The parent or student is, upon request, notified of
20 the names of all persons submitting confidential letters or
21 statements.

22 2. Such recommendations or evaluations are used solely
23 for the purpose for which they were specifically intended.

24
25 Such waivers may not be required as a condition for admission
26 to, receipt of financial aid from, or receipt of any other
27 services or benefits from, any public agency or public
28 educational institution in this state.

29 (c) Right to challenge and hearing.--A parent or
30 student shall have the right to challenge the content of any
31 record or report to which such person is granted access under

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1 paragraph (a), in order to ensure that the record or report is
2 not inaccurate, misleading, or otherwise in violation of the
3 privacy or other rights of the student and to provide an
4 opportunity for the correction, deletion, or expunction of any
5 inaccurate, misleading, or otherwise inappropriate data or
6 material contained therein. Any challenge arising under the
7 provisions of this paragraph may be settled through informal
8 meetings or discussions between the parent or student and
9 appropriate officials of the educational institution. If the
10 parties at such a meeting agree to make corrections, to make
11 deletions, to expunge material, or to add a statement of
12 explanation or rebuttal to the file, such agreement shall be
13 reduced to writing and signed by the parties; and the
14 appropriate school officials shall take the necessary actions
15 to implement the agreement. If the parties cannot reach an
16 agreement, upon the request of either party, a hearing shall
17 be held on such challenge under rules adopted by the State
18 Board of Education. Upon the request of the parent or student,
19 the hearing shall be exempt from the requirements of s.
20 286.011. Such rules shall include at least the following
21 provisions:

22 1. The hearing shall be conducted within a reasonable
23 period of time following the request for the hearing.

24 2. The hearing shall be conducted, and the decision
25 rendered, by an official of the educational institution or
26 other party who does not have a direct interest in the outcome
27 of the hearing.

28 3. The parent or student shall be afforded a full and
29 fair opportunity to present evidence relevant to the issues
30 raised under this paragraph.

31 4. The decision shall be rendered in writing within a

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1 reasonable period of time after the conclusion of the hearing.

2 5. The appropriate school officials shall take the
3 necessary actions to implement the decision.

4 (d) Right of privacy.--Every student shall have a
5 right of privacy with respect to the educational records kept
6 on him or her. Personally identifiable records or reports of a
7 student, and any personal information contained therein, are
8 confidential and exempt from the provisions of s. 119.07(1).
9 No state or local educational agency, board, public school,
10 technical center, or public postsecondary educational
11 institution shall permit the release of such records, reports,
12 or information without the written consent of the student's
13 parent, or of the student himself or herself if he or she is
14 qualified as provided in this subsection, to any individual,
15 agency, or organization. However, personally identifiable
16 records or reports of a student may be released to the
17 following persons or organizations without the consent of the
18 student or the student's parent:

19 1. Officials of schools, school systems, technical
20 centers, or public postsecondary educational institutions in
21 which the student seeks or intends to enroll; and a copy of
22 such records or reports shall be furnished to the parent or
23 student upon request.

24 2. Other school officials, including teachers within
25 the educational institution or agency, who have legitimate
26 educational interests in the information contained in the
27 records.

28 3. The United States Secretary of Education, the
29 Director of the National Institute of Education, the Assistant
30 Secretary for Education, the Comptroller General of the United
31 States, or state or local educational authorities who are

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1 authorized to receive such information subject to the
2 conditions set forth in applicable federal statutes and
3 regulations of the United States Department of Education, or
4 in applicable state statutes and rules of the State Board of
5 Education.

6 4. Other school officials, in connection with a
7 student's application for or receipt of financial aid.

8 5. Individuals or organizations conducting studies for
9 or on behalf of an institution or a board of education for the
10 purpose of developing, validating, or administering predictive
11 tests, administering student aid programs, or improving
12 instruction, if such studies are conducted in such a manner as
13 will not permit the personal identification of students and
14 their parents by persons other than representatives of such
15 organizations and if such information will be destroyed when
16 no longer needed for the purpose of conducting such studies.

17 6. Accrediting organizations, in order to carry out
18 their accrediting functions.

19 7. School readiness coalitions and the Florida
20 Partnership for School Readiness in order to carry out their
21 assigned duties.

22 8. For use as evidence in student expulsion hearings
23 conducted by a district school board pursuant to the
24 provisions of chapter 120.

25 9. Appropriate parties in connection with an
26 emergency, if knowledge of the information in the student's
27 educational records is necessary to protect the health or
28 safety of the student or other individuals.

29 10. The Auditor General and the Office of Program
30 Policy Analysis and Government Accountability in connection
31 with their official functions; however, except when the

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1 collection of personally identifiable information is
2 specifically authorized by law, any data collected by the
3 Auditor General and the Office of Program Policy Analysis and
4 Government Accountability is confidential and exempt from the
5 provisions of s. 119.07(1) and shall be protected in such a
6 way as will not permit the personal identification of students
7 and their parents by other than the Auditor General, the
8 Office of Program Policy Analysis and Government
9 Accountability, and their staff, and such personally
10 identifiable data shall be destroyed when no longer needed for
11 the Auditor General's and the Office of Program Policy
12 Analysis and Government Accountability's official use.

13 11.a. A court of competent jurisdiction in compliance
14 with an order of that court or the attorney of record pursuant
15 to a lawfully issued subpoena, upon the condition that the
16 student and the student's parent are notified of the order or
17 subpoena in advance of compliance therewith by the educational
18 institution or agency.

19 b. A person or entity pursuant to a court of competent
20 jurisdiction in compliance with an order of that court or the
21 attorney of record pursuant to a lawfully issued subpoena,
22 upon the condition that the student, or his or her parent if
23 the student is either a minor and not attending a
24 postsecondary educational institution or a dependent of such
25 parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal
26 Revenue Code of 1954), is notified of the order or subpoena in
27 advance of compliance therewith by the educational institution
28 or agency.

29 12. Credit bureaus, in connection with an agreement
30 for financial aid that the student has executed, provided that
31 such information may be disclosed only to the extent necessary

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1 to enforce the terms or conditions of the financial aid
2 agreement. Credit bureaus shall not release any information
3 obtained pursuant to this paragraph to any person.

4 13. Parties to an interagency agreement among the
5 Department of Juvenile Justice, school and law enforcement
6 authorities, and other signatory agencies for the purpose of
7 reducing juvenile crime and especially motor vehicle theft by
8 promoting cooperation and collaboration, and the sharing of
9 appropriate information in a joint effort to improve school
10 safety, to reduce truancy and in-school and out-of-school
11 suspensions, and to support alternatives to in-school and
12 out-of-school suspensions and expulsions that provide
13 structured and well-supervised educational programs
14 supplemented by a coordinated overlay of other appropriate
15 services designed to correct behaviors that lead to truancy,
16 suspensions, and expulsions, and that support students in
17 successfully completing their education. Information provided
18 in furtherance of such interagency agreements is intended
19 solely for use in determining the appropriate programs and
20 services for each juvenile or the juvenile's family, or for
21 coordinating the delivery of such programs and services, and
22 as such is inadmissible in any court proceedings prior to a
23 dispositional hearing unless written consent is provided by a
24 parent or other responsible adult on behalf of the juvenile.

25
26 This paragraph does not prohibit any educational institution
27 from publishing and releasing to the general public directory
28 information relating to a student if the institution elects to
29 do so. However, no educational institution shall release, to
30 any individual, agency, or organization that is not listed in
31 subparagraphs 1.-13., directory information relating to the

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1 student body in general or a portion thereof unless it is
2 normally published for the purpose of release to the public in
3 general. Any educational institution making directory
4 information public shall give public notice of the categories
5 of information that it has designated as directory information
6 with respect to all students attending the institution and
7 shall allow a reasonable period of time after such notice has
8 been given for a parent or student to inform the institution
9 in writing that any or all of the information designated
10 should not be released.

11 (4) NOTIFICATION.--Every parent and student entitled
12 to rights relating to student records and reports under the
13 provisions of subsection (3) shall be notified annually, in
14 writing, of such rights and that the institution has a policy
15 of supporting the law; the types of information and data
16 generally entered in the student records as maintained by the
17 institution; and the procedures to be followed in order to
18 exercise such rights. The notification shall be general in
19 form and in a manner to be determined by the State Board of
20 Education and may be incorporated with other printed materials
21 distributed to students, such as being printed on the back of
22 school assignment forms or report cards for students attending
23 kindergarten or grades 1 through 12 in the public school
24 system and being printed in college catalogs or in other
25 program announcement bulletins for students attending
26 postsecondary educational institutions.

27 (5) PENALTY.--In the event that any public school
28 official or employee, district school board official or
29 employee, technical center official or employee, or public
30 postsecondary educational institution official or employee
31 refuses to comply with any of the provisions of this section,

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1 the aggrieved parent or student shall have an immediate right
2 to bring an action in the circuit court to enforce the
3 violated right by injunction. Any aggrieved parent or student
4 who brings such an action and whose rights are vindicated may
5 be awarded attorney's fees and court costs.

6 (6) APPLICABILITY TO RECORDS OF DEFUNCT
7 INSTITUTIONS.--The provisions of this section also apply to
8 student records that any nonpublic educational institution
9 that is no longer operating has deposited with the district
10 school superintendent in the county where the nonpublic
11 educational institution was located.

12 Section 95. Part III of chapter 1002, Florida
13 Statutes, shall be entitled "Educational Choice" and shall
14 consist of ss. 1002.31-1002.39.

15 Section 96. Section 1002.31, Florida Statutes, is
16 created to read:

17 1002.31 Public school parental choice.--

18 (1) As used in this section, "controlled open
19 enrollment" means a public education delivery system that
20 allows school districts to make student school assignments
21 using parents' indicated preferential school choice as a
22 significant factor.

23 (2) Each district school board may offer controlled
24 open enrollment within the public schools. The controlled open
25 enrollment program shall be offered in addition to the
26 existing choice programs such as magnet schools, alternative
27 schools, special programs, advanced placement, and dual
28 enrollment.

29 (3) Each district school board shall develop a
30 controlled open enrollment plan which describes the
31 implementation of subsection (2).

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1 (4) School districts shall adhere to federal
2 desegregation requirements. No controlled open enrollment
3 plan that conflicts with federal desegregation orders shall be
4 implemented.

5 (5) Each school district shall develop a system of
6 priorities for its plan that includes consideration of the
7 following:

8 (a) An application process required to participate in
9 the controlled open enrollment program.

10 (b) A process that allows parents to declare school
11 preferences.

12 (c) A process that encourages placement of siblings
13 within the same school.

14 (d) A lottery procedure used by the school district to
15 determine student assignment.

16 (e) An appeals process for hardship cases.

17 (f) The procedures to maintain socioeconomic,
18 demographic, and racial balance.

19 (g) The availability of transportation.

20 (h) A process that promotes strong parental
21 involvement, including the designation of a parent liaison.

22 (i) A strategy that establishes a clearinghouse of
23 information designed to assist parents in making informed
24 choices.

25 (6) Plans shall be submitted to the Commissioner of
26 Education. The Commissioner of Education shall develop an
27 annual report on the status of school choice and deliver the
28 report to the Governor, the President of the Senate, and the
29 Speaker of the House of Representatives at least 90 days prior
30 to the convening of the regular session of the Legislature.

31 (7) Notwithstanding any provision of this section, a

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1 school district with schools operating on both multiple
2 session schedules and single session schedules shall afford
3 parents of students in multiple session schools preferred
4 access to the controlled open enrollment program of the school
5 district.

6 (8) Each district school board shall annually report
7 the number of students applying for and attending the various
8 types of public schools of choice in the district, including
9 schools such as magnet schools and public charter schools,
10 according to rules adopted by the State Board of Education.

11 Section 97. Section 1002.32, Florida Statutes, is
12 created to read:

13 1002.32 Developmental research (laboratory) schools.--

14 (1) SHORT TITLE.--This section may be cited as the
15 "Sidney Martin Developmental Research School Act."

16 (2) ESTABLISHMENT.--There is established a category of
17 public schools to be known as developmental research
18 (laboratory) schools (lab schools). Each lab school shall
19 provide sequential instruction and shall be affiliated with
20 the college of education within the state university of
21 closest geographic proximity. A lab school to which a charter
22 has been issued under s. 1002.33(5)(b) must be affiliated with
23 the college of education within the state university that
24 issued the charter, but is not subject to the requirement that
25 the state university be of closest geographic proximity. For
26 the purpose of state funding, Florida Agricultural and
27 Mechanical University, Florida Atlantic University, Florida
28 State University, the University of Florida, and other
29 universities approved by the State Board of Education and the
30 Legislature are authorized to sponsor one or more lab schools.

31 (3) MISSION.--The mission of a lab school shall be the

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1 provision of a vehicle for the conduct of research,
2 demonstration, and evaluation regarding management, teaching,
3 and learning. Programs to achieve the mission of a lab school
4 shall embody the goals and standards established pursuant to
5 ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate
6 education for its students.

7 (a) Each lab school shall emphasize mathematics,
8 science, computer science, and foreign languages. The primary
9 goal of a lab school is to enhance instruction and research in
10 such specialized subjects by using the resources available on
11 a state university campus, while also providing an education
12 in nonspecialized subjects. Each lab school shall provide
13 sequential elementary and secondary instruction where
14 appropriate. A lab school may not provide instruction at grade
15 levels higher than grade 12 without authorization from the
16 State Board of Education. Each developmental research school
17 shall develop and implement a school improvement plan pursuant
18 to s. 1003.02(3).

19 (b) Research, demonstration, and evaluation conducted
20 at a lab school may be generated by the college of education
21 and other colleges within the university with which the school
22 is affiliated.

23 (c) Research, demonstration, and evaluation conducted
24 at a lab school may be generated by the State Board of
25 Education. Such research shall respond to the needs of the
26 education community at large, rather than the specific needs
27 of the affiliated college.

28 (d) Research, demonstration, and evaluation conducted
29 at a lab school may consist of pilot projects to be generated
30 by the affiliated college, the State Board of Education, or
31 the Legislature.

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1 (e) The exceptional education programs offered at a
2 lab school shall be determined by the research and evaluation
3 goals and the availability of students for efficiently sized
4 programs. The fact that a lab school offers an exceptional
5 education program in no way lessens the general responsibility
6 of the local school district to provide exceptional education
7 programs.

8 (4) STUDENT ADMISSIONS.--Each lab school may establish
9 a primary research objective related to fundamental issues and
10 problems that occur in the public elementary and secondary
11 schools of the state. A student population reflective of the
12 student population of the public school environment in which
13 the issues and problems are most prevalent shall be promoted
14 and encouraged through the establishment and implementation of
15 an admission process that is designed to result in a
16 representative sample of public school enrollment based on
17 gender, race, socioeconomic status, and academic ability,
18 notwithstanding the provisions of s. 1000.05.

19 (5) STUDENT FEES.--Each lab school may charge a
20 student activity and service fee. Any school that elects to
21 charge such a fee shall provide information regarding the use
22 of the fee as well as an annual report that documents the
23 manner in which the moneys provided by such fee were expended.
24 The annual report prescribed in this subsection shall be
25 distributed to the parents of each student. No additional fees
26 shall be charged.

27 (6) SUPPLEMENTAL-SUPPORT ORGANIZATIONS.--Each lab
28 school may accrue supplemental revenue from
29 supplemental-support organizations, which include, but are not
30 limited to, alumni associations, foundations, parent-teacher
31 associations, and booster associations. The governing body of

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1 each supplemental-support organization shall recommend the
2 expenditure of moneys collected by the organization for the
3 benefit of the school. Such expenditures shall be contingent
4 upon the recommendations of the school advisory council and
5 review of the director. The director may override any proposed
6 expenditure of the organization that would violate Florida
7 Statutes or breach sound educational management.

8 (7) PERSONNEL.--

9 (a) Each lab school may employ either a director or a
10 principal, or both, at the discretion of the university. The
11 duties of such personnel shall be as follows:

12 1. Each director shall be the chief executive officer
13 and shall oversee the education, research, and evaluation
14 goals of the school. The director shall be responsible for
15 recommending policy to the advisory board. The director shall
16 be accountable for the financial resources of the school.

17 2. Each principal shall be the chief educational
18 officer and shall oversee the educational program of the
19 school. The principal shall be accountable for the daily
20 operation and administration of the school.

21 (b) Faculty may serve simultaneously as instructional
22 personnel for the lab school and the university with which the
23 school is affiliated. Nothing in this section is intended to
24 affect the collective bargaining rights of lab school
25 employees, except as specifically provided in this section.

26 (c) Lab school faculty members shall meet the
27 certification requirements of ss. 1012.32 and 1012.42.

28 (8) ADVISORY BOARDS.--Each public school in the state
29 shall establish a school advisory council that is reflective
30 of the population served by the school, pursuant to s.
31 1001.452, and is responsible for the development and

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1 implementation of the school improvement plan pursuant to s.
2 1003.02(3). Lab schools shall comply with the provisions of s.
3 1001.452 in one of two ways:

4 (a) Each lab school may establish two advisory bodies
5 as follows:

6 1. An advisory body pursuant to the provisions and
7 requirements of s. 1001.452 to be responsible for the
8 development and implementation of the school improvement plan,
9 pursuant to s. 1003.02(3).

10 2. An advisory board to provide general oversight and
11 guidance. The dean of the affiliated college of education
12 shall be a standing member of the board, and the president of
13 the university shall appoint four faculty members from the
14 related university, at least two of whom are from the college
15 of education, one layperson who resides in the county in which
16 the school is located, two parents of students who attend the
17 lab school, and one lab school student appointed by the
18 principal to serve on the advisory board. The term of each
19 member shall be for 2 years, and any vacancy shall be filled
20 with a person of the same classification as his or her
21 predecessor for the balance of the unexpired term. The
22 president shall stagger the terms of the initial appointees in
23 a manner that results in the expiration of terms of no more
24 than two members in any year. The president shall call the
25 organizational meeting of the board. The board shall annually
26 elect a chair and a vice chair. There shall be no limitation
27 on successive appointments to the board or successive terms
28 that may be served by a chair or vice chair. The board shall
29 adopt internal organizational procedures or bylaws necessary
30 for efficient operation as provided in chapter 120. Board
31 members shall not receive per diem or travel expenses for the

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1 performance of their duties. The board shall:
2 a. Meet at least quarterly.
3 b. Monitor the operations of the school and the
4 distribution of moneys allocated for such operations.
5 c. Establish necessary policy, program, and
6 administration modifications.
7 d. Evaluate biennially the performance of the director
8 and principal and recommend corresponding action to the dean
9 of the college of education.
10 e. Annually review evaluations of the school's
11 operation and research findings.
12 (b) Each lab school may establish one advisory body
13 responsible for the development and implementation of the
14 school improvement plan, pursuant to s. 1003.02(3), in
15 addition to general oversight and guidance responsibilities.
16 The advisory body shall reflect the membership composition
17 requirements established in s. 1001.452, but may also include
18 membership by the dean of the college of education and
19 additional members appointed by the president of the
20 university that represent faculty members from the college of
21 education, the university, or other bodies deemed appropriate
22 for the mission of the school.
23 (9) FUNDING.--Funding for a lab school, including a
24 charter lab school, shall be provided as follows:
25 (a) Each lab school shall be allocated its
26 proportional share of operating funds from the Florida
27 Education Finance Program as provided in s. 1011.62 and the
28 General Appropriations Act. The nonvoted ad valorem millage
29 that would otherwise be required for lab schools shall be
30 allocated from state funds. The required local effort funds
31 calculated pursuant to s. 1011.62 shall be allocated from

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1 state funds to the schools as a part of the allocation of
2 operating funds pursuant to s. 1011.62. Each eligible lab
3 school shall also receive a proportional share of the sparsity
4 supplement as calculated pursuant to s. 1011.62. In addition,
5 each lab school shall receive its proportional share of all
6 categorical funds, with the exception of s. 1011.68, and new
7 categorical funds enacted after July 1, 1994, for the purpose
8 of elementary or secondary academic program enhancement. The
9 sum of funds available as provided in this paragraph shall be
10 included annually in the Florida Education Finance Program and
11 appropriate categorical programs funded in the General
12 Appropriations Act.

13 (b) There is created a Lab School Educational Facility
14 Trust Fund to be administered by the Commissioner of
15 Education. Allocations from such fund shall be expended solely
16 for the purpose of facility construction, repair, renovation,
17 remodeling, site improvement, or maintenance. The commissioner
18 shall administer the fund in accordance with ss. 1013.60,
19 1013.64, 1013.65, and 1013.66.

20 (c) All operating funds provided under this section
21 shall be deposited in a Lab School Trust Fund and shall be
22 expended for the purposes of this section. The university
23 assigned a lab school shall be the fiscal agent for these
24 funds, and all rules of the university governing the budgeting
25 and expenditure of state funds shall apply to these funds
26 unless otherwise provided by law or rule of the State Board of
27 Education. The university board of trustees shall be the
28 public employer of lab school personnel for collective
29 bargaining purposes.

30 (d) Each lab school shall receive funds for operating
31 purposes in an amount determined as follows: multiply the

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1 maximum allowable nonvoted discretionary millage for
2 operations pursuant to s. 1011.71(1) by the value of 95
3 percent of the current year's taxable value for school
4 purposes for the district in which each lab school is located;
5 divide the result by the total full-time equivalent membership
6 of the district; and multiply the result by the full-time
7 equivalent membership of the lab school. The amount thus
8 obtained shall be discretionary operating funds and shall be
9 appropriated from state funds in the General Appropriations
10 Act to the Lab School Trust Fund.

11 (e) Each lab school shall receive funds for capital
12 improvement purposes in an amount determined as follows:
13 multiply the maximum allowable nonvoted discretionary millage
14 for capital improvements pursuant to s. 1011.71(2) by the
15 value of 95 percent of the current year's taxable value for
16 school purposes for the district in which each lab school is
17 located; divide the result by the total full-time equivalent
18 membership of the district; and multiply the result by the
19 full-time equivalent membership of the lab school. The amount
20 thus obtained shall be discretionary capital improvement funds
21 and shall be appropriated from state funds in the General
22 Appropriations Act to the Lab School Educational Facility
23 Trust Fund.

24 (f) In addition to the funds appropriated for capital
25 outlay budget needs, lab schools may receive specific funding
26 as specified in the General Appropriations Act for upgrading,
27 renovating, and remodeling science laboratories.

28 (g) Each lab school is designated a teacher education
29 center and may provide inservice training to school district
30 personnel. The Department of Education shall provide funds to
31 the Lab School Trust Fund for this purpose from appropriations

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1 for inservice teacher education.

2 (h) A lab school to which a charter has been issued
3 under s. 1002.33(5)(b) is eligible to receive funding for
4 charter school capital outlay if it meets the eligibility
5 requirements of s. 1013.62. If the lab school receives funds
6 from charter school capital outlay, the school shall receive
7 capital outlay funds otherwise provided in this subsection
8 only to the extent that funds allocated pursuant to s. 1013.62
9 are insufficient to provide capital outlay funds to the lab
10 school at one-fifteenth of the cost per student station.

11 (10) IMPLEMENTATION.--The State Board of Education
12 shall adopt rules necessary to facilitate the implementation
13 of this section.

14 (11) EXCEPTIONS TO LAW.--To encourage innovative
15 practices and facilitate the mission of the lab schools, in
16 addition to the exceptions to law specified in s. 1001.23(2),
17 the following exceptions shall be permitted for lab schools:

18 (a) The methods and requirements of the following
19 statutes shall be held in abeyance: ss. 1001.30; 1001.31;
20 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361;
21 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38;
22 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.46;
23 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
24 1001.49; 1001.50; 1001.51; 1006.12(1); 1006.21(3), (4);
25 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43;
26 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50;
27 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3),
28 (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71;
29 1011.72; 1011.73; 1011.74; 1013.77; and 316.75.

30 (b) With the exception of s. 1001.42(16), s. 1001.42
31 shall be held in abeyance. Reference to district school boards

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1 in s. 1001.42(16) shall mean the president of the university
2 or the president's designee.

3 Section 98. Section 1002.33, Florida Statutes, is
4 created to read:

5 1002.33 Charter schools.--

6 (1) AUTHORIZATION.--Charter schools shall be part of
7 the state's program of public education. All charter schools
8 in Florida are public schools. A charter school may be formed
9 by creating a new school or converting an existing public
10 school to charter status. A public school may not use the term
11 charter in its name unless it has been approved under this
12 section.

13 (2) PURPOSE.--

14 (a) Charter schools shall fulfill the following
15 purposes:

16 1. Improve student learning and academic achievement.

17 2. Increase learning opportunities for all students,
18 with special emphasis on low-performing students.

19 3. Create new professional opportunities for teachers,
20 including ownership of the learning program at the school
21 site.

22 4. Encourage the use of innovative learning methods.

23 5. Require the measurement of learning outcomes.

24 (b) Charter schools may fulfill the following
25 purposes:

26 1. Create innovative measurement tools.

27 2. Provide rigorous competition within the public
28 school district to stimulate continual improvement in all
29 public schools.

30 3. Expand the capacity of the public school system.

31 (3) APPLICATION FOR CHARTER STATUS.--

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1 (a) An application for a new charter school may be
2 made by an individual, teachers, parents, a group of
3 individuals, a municipality, or a legal entity organized under
4 the laws of this state.

5 (b) An application for a conversion charter school
6 shall be made by the district school board, the principal,
7 teachers, parents, and/or the school advisory council at an
8 existing public school that has been in operation for at least
9 2 years prior to the application to convert, including a
10 public school-within-a-school that is designated as a school
11 by the district school board. An application submitted
12 proposing to convert an existing public school to a charter
13 school shall demonstrate the support of at least 50 percent of
14 the teachers employed at the school and 50 percent of the
15 parents voting whose children are enrolled at the school,
16 provided that a majority of the parents eligible to vote
17 participate in the ballot process, according to rules adopted
18 by the State Board of Education. A district school board
19 denying an application for a conversion charter school shall
20 provide notice of denial to the applicants in writing within
21 30 days after the meeting at which the district school board
22 denied the application. The notice must specify the exact
23 reasons for denial and must provide documentation supporting
24 those reasons. A private school, parochial school, or home
25 education program shall not be eligible for charter school
26 status.

27 (4) UNLAWFUL REPRISAL.--

28 (a) No district school board, or district school board
29 employee who has control over personnel actions, shall take
30 unlawful reprisal against another district school board
31 employee because that employee is either directly or

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1 indirectly involved with an application to establish a charter
2 school. As used in this subsection, the term "unlawful
3 reprisal" means an action taken by a district school board or
4 a school system employee against an employee who is directly
5 or indirectly involved in a lawful application to establish a
6 charter school, which occurs as a direct result of that
7 involvement, and which results in one or more of the
8 following: disciplinary or corrective action; adverse transfer
9 or reassignment, whether temporary or permanent; suspension,
10 demotion, or dismissal; an unfavorable performance evaluation;
11 a reduction in pay, benefits, or rewards; elimination of the
12 employee's position absent of a reduction in workforce as a
13 result of lack of moneys or work; or other adverse significant
14 changes in duties or responsibilities that are inconsistent
15 with the employee's salary or employment classification. The
16 following procedures shall apply to an alleged unlawful
17 reprisal that occurs as a consequence of an employee's direct
18 or indirect involvement with an application to establish a
19 charter school:

20 1. Within 60 days after the date upon which a reprisal
21 prohibited by this subsection is alleged to have occurred, an
22 employee may file a complaint with the Department of
23 Education.

24 2. Within 3 working days after receiving a complaint
25 under this section, the Department of Education shall
26 acknowledge receipt of the complaint and provide copies of the
27 complaint and any other relevant preliminary information
28 available to each of the other parties named in the complaint,
29 which parties shall each acknowledge receipt of such copies to
30 the complainant.

31 3. If the Department of Education determines that the

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1 complaint demonstrates reasonable cause to suspect that an
2 unlawful reprisal has occurred, the Department of Education
3 shall conduct an investigation to produce a fact-finding
4 report.

5 4. Within 90 days after receiving the complaint, the
6 Department of Education shall provide the district school
7 superintendent of the complainant's district and the
8 complainant with a fact-finding report that may include
9 recommendations to the parties or a proposed resolution of the
10 complaint. The fact-finding report shall be presumed
11 admissible in any subsequent or related administrative or
12 judicial review.

13 5. If the Department of Education determines that
14 reasonable grounds exist to believe that an unlawful reprisal
15 has occurred, is occurring, or is to be taken, and is unable
16 to conciliate a complaint within 60 days after receipt of the
17 fact-finding report, the Department of Education shall
18 terminate the investigation. Upon termination of any
19 investigation, the Department of Education shall notify the
20 complainant and the district school superintendent of the
21 termination of the investigation, providing a summary of
22 relevant facts found during the investigation and the reasons
23 for terminating the investigation. A written statement under
24 this paragraph is presumed admissible as evidence in any
25 judicial or administrative proceeding.

26 6. The Department of Education shall either contract
27 with the Division of Administrative Hearings under s. 120.65,
28 or otherwise provide for a complaint for which the Department
29 of Education determines reasonable grounds exist to believe
30 that an unlawful reprisal has occurred, is occurring, or is to
31 be taken, and is unable to conciliate, to be heard by a panel

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1 of impartial persons. Upon hearing the complaint, the panel
2 shall make findings of fact and conclusions of law for a final
3 decision by the Department of Education.

4
5 It shall be an affirmative defense to any action brought
6 pursuant to this section that the adverse action was
7 predicated upon grounds other than, and would have been taken
8 absent, the employee's exercise of rights protected by this
9 section.

10 (b) In any action brought under this section for which
11 it is determined reasonable grounds exist to believe that an
12 unlawful reprisal has occurred, is occurring, or is to be
13 taken, the relief shall include the following:

14 1. Reinstatement of the employee to the same position
15 held before the unlawful reprisal was commenced, or to an
16 equivalent position, or payment of reasonable front pay as
17 alternative relief.

18 2. Reinstatement of the employee's full fringe
19 benefits and seniority rights, as appropriate.

20 3. Compensation, if appropriate, for lost wages,
21 benefits, or other lost remuneration caused by the unlawful
22 reprisal.

23 4. Payment of reasonable costs, including attorney's
24 fees, to a substantially prevailing employee, or to the
25 prevailing employer if the employee filed a frivolous action
26 in bad faith.

27 5. Issuance of an injunction, if appropriate, by a
28 court of competent jurisdiction.

29 6. Temporary reinstatement to the employee's former
30 position or to an equivalent position, pending the final
31 outcome of the complaint, if it is determined that the action

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1 was not made in bad faith or for a wrongful purpose, and did
2 not occur after a district school board's initiation of a
3 personnel action against the employee that includes
4 documentation of the employee's violation of a disciplinary
5 standard or performance deficiency.

6 (5) SPONSOR.--

7 (a) A district school board may sponsor a charter
8 school in the county over which the district school board has
9 jurisdiction.

10 (b) A state university may grant a charter to a lab
11 school created under s. 1002.32 and shall be considered to be
12 the school's sponsor. Such school shall be considered a
13 charter lab school.

14 (c) The sponsor shall monitor and review the charter
15 school in its progress towards the goals established in the
16 charter.

17 (d) The sponsor shall monitor the revenues and
18 expenditures of the charter school.

19 (e) The sponsor may approve a charter for a charter
20 school before the applicant has secured space, equipment, or
21 personnel, if the applicant indicates approval is necessary
22 for it to raise working capital.

23 (f) The sponsor's policies shall not apply to a
24 charter school.

25 (g) A sponsor shall ensure that the charter is
26 innovative and consistent with the state education goals
27 established by s. 1000.03(5).

28 (6) APPLICATION PROCESS AND REVIEW.--

29 (a) A district school board shall receive and review
30 all applications for a charter school. A district school board
31 shall receive and consider charter school applications

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1 received on or before October 1 of each calendar year for
2 charter schools to be opened at the beginning of the school
3 district's next school year, or to be opened at a time agreed
4 to by the applicant and the district school board. A district
5 school board may receive applications later than this date if
6 it chooses. A sponsor may not charge an applicant for a
7 charter any fee for the processing or consideration of an
8 application, and a sponsor may not base its consideration or
9 approval of an application upon the promise of future payment
10 of any kind.

11 1. In order to facilitate an accurate budget
12 projection process, a district school board shall be held
13 harmless for FTE students who are not included in the FTE
14 projection due to approval of charter school applications
15 after the FTE projection deadline. In a further effort to
16 facilitate an accurate budget projection, within 15 calendar
17 days after receipt of a charter school application, a district
18 school board or other sponsor shall report to the Department
19 of Education the name of the applicant entity, the proposed
20 charter school location, and its projected FTE.

21 2. A district school board shall by a majority vote
22 approve or deny an application no later than 60 calendar days
23 after the application is received, unless the district school
24 board and the applicant mutually agree to temporarily postpone
25 the vote to a specific date, at which time the district school
26 board shall by a majority vote approve or deny the
27 application. If the district school board fails to act on the
28 application, an applicant may appeal to the State Board of
29 Education as provided in paragraph (b). If an application is
30 denied, the district school board shall, within 10 calendar
31 days, articulate in writing the specific reasons based upon

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1 good cause supporting its denial of the charter application.

2 3. For budget projection purposes, the district school
3 board or other sponsor shall report to the Department of
4 Education the approval or denial of a charter application
5 within 10 calendar days after such approval or denial. In the
6 event of approval, the report to the Department of Education
7 shall include the final projected FTE for the approved charter
8 school.

9 4. Upon approval of a charter application, the initial
10 startup shall commence with the beginning of the public school
11 calendar for the district in which the charter is granted
12 unless the district school board allows a waiver of this
13 provision for good cause.

14 (b) An applicant may appeal any denial of that
15 applicant's application or failure to act on an application to
16 the State Board of Education no later than 30 calendar days
17 after receipt of the district school board's decision or
18 failure to act and shall notify the district school board of
19 its appeal. Any response of the district school board shall
20 be submitted to the State Board of Education within 30
21 calendar days after notification of the appeal. Upon receipt
22 of notification from the State Board of Education that a
23 charter school applicant is filing an appeal, the Commissioner
24 of Education shall convene a meeting of the Charter School
25 Appeal Commission to study and make recommendations to the
26 State Board of Education regarding its pending decision about
27 the appeal. The commission shall forward its recommendation
28 to the state board no later than 7 calendar days prior to the
29 date on which the appeal is to be heard. The State Board of
30 Education shall by majority vote accept or reject the decision
31 of the district school board no later than 60 calendar days

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1 after an appeal is filed in accordance with State Board of
2 Education rule. The Charter School Appeal Commission may
3 reject an appeal submission for failure to comply with
4 procedural rules governing the appeals process. The rejection
5 shall describe the submission errors. The appellant may have
6 up to 15 calendar days from notice of rejection to resubmit an
7 appeal that meets requirements of State Board of Education
8 rule. An application for appeal submitted subsequent to such
9 rejection shall be considered timely if the original appeal
10 was filed within 30 calendar days after receipt of notice of
11 the specific reasons for the district school board's denial of
12 the charter application. The State Board of Education shall
13 remand the application to the district school board with its
14 written decision that the district school board approve or
15 deny the application. The district school board shall
16 implement the decision of the State Board of Education. The
17 decision of the State Board of Education is not subject to the
18 provisions of the Administrative Procedures Act, chapter 120.

19 (c) The district school board shall act upon the
20 decision of the State Board of Education within 30 calendar
21 days after it is received. The State Board of Education's
22 decision is a final action subject to judicial review.

23 (d)1. A Charter School Appeal Commission is
24 established to assist the commissioner and the State Board of
25 Education with a fair and impartial review of appeals by
26 applicants whose charters have been denied or whose charter
27 contracts have not been renewed by their sponsors.

28 2. The Charter School Appeal Commission may receive
29 copies of the appeal documents forwarded to the State Board of
30 Education, review the documents, gather other applicable
31 information regarding the appeal, and make a written

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1 recommendation to the commissioner. The recommendation must
2 state whether the appeal should be upheld or denied and
3 include the reasons for the recommendation being offered. The
4 commissioner shall forward the recommendation to the State
5 Board of Education no later than 7 calendar days prior to the
6 date on which the appeal is to be heard. The state board must
7 consider the commission's recommendation in making its
8 decision, but is not bound by the recommendation. The
9 decision of the Charter School Appeal Commission is not
10 subject to the provisions of the Administrative Procedure Act,
11 chapter 120.

12 3. The commissioner shall appoint the members of the
13 Charter School Appeal Commission. Members shall serve without
14 compensation but may be reimbursed for travel and per diem
15 expenses in conjunction with their service. One-half of the
16 members must represent currently operating charter schools and
17 one-half of the members must represent school districts. The
18 commissioner or a named designee shall chair the Charter
19 School Appeal Commission.

20 4. The chair shall convene meetings of the commission
21 and shall ensure that the written recommendations are
22 completed and forwarded in a timely manner. In cases where
23 the commission cannot reach a decision, the chair shall make
24 the written recommendation with justification, noting that the
25 decision was rendered by the chair.

26 5. Commission members shall thoroughly review the
27 materials presented to them from the appellant and the
28 sponsor. The commission may request information to clarify
29 the documentation presented to it. In the course of its
30 review, the commission may facilitate the postponement of an
31 appeal in those cases where additional time and communication

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1 may negate the need for a formal appeal and both parties
2 agree, in writing, to postpone the appeal to the State Board
3 of Education. A new date certain for the appeal shall then be
4 set based upon the rules and procedures of the State Board of
5 Education. Commission members shall provide a written
6 recommendation to the state board as to whether the appeal
7 should be upheld or denied. A fact-based justification for
8 the recommendation must be included. The chair must ensure
9 that the written recommendation is submitted to the State
10 Board of Education members no later than 7 calendar days prior
11 to the date on which the appeal is to be heard. Both parties
12 in the case shall also be provided a copy of the
13 recommendation.

14 (e) The Department of Education may provide technical
15 assistance to an applicant upon written request.

16 (f) In considering charter applications for a lab
17 school, a state university shall consult with the district
18 school board of the county in which the lab school is located.
19 The decision of a state university may be appealed pursuant to
20 the procedure established in this subsection.

21 (g) The terms and conditions for the operation of a
22 charter school shall be set forth by the sponsor and the
23 applicant in a written contractual agreement, called a
24 charter. The sponsor shall not impose unreasonable rules or
25 regulations that violate the intent of giving charter schools
26 greater flexibility to meet educational goals. The applicant
27 and sponsor shall have 6 months in which to mutually agree to
28 the provisions of the charter. The Department of Education
29 shall provide mediation services for any dispute regarding
30 this section subsequent to the approval of a charter
31 application and for any dispute relating to the approved

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1 charter, except disputes regarding charter school application
2 denials. If the Commissioner of Education determines that the
3 dispute cannot be settled through mediation, the dispute may
4 be appealed to an administrative law judge appointed by the
5 Division of Administrative Hearings. The administrative law
6 judge may rule on issues of equitable treatment of the charter
7 school as a public school, whether proposed provisions of the
8 charter violate the intended flexibility granted charter
9 schools by statute, or on any other matter regarding this
10 section except a charter school application denial, and shall
11 award the prevailing party reasonable attorney's fees and
12 costs incurred to be paid by the losing party. The costs of
13 the administrative hearing shall be paid by the party whom the
14 administrative law judge rules against.

15 (7) CHARTER.--The major issues involving the operation
16 of a charter school shall be considered in advance and written
17 into the charter. The charter shall be signed by the governing
18 body of the charter school and the sponsor, following a public
19 hearing to ensure community input.

20 (a) The charter shall address, and criteria for
21 approval of the charter shall be based on:

22 1. The school's mission, the students to be served,
23 and the ages and grades to be included.

24 2. The focus of the curriculum, the instructional
25 methods to be used, any distinctive instructional techniques
26 to be employed, and identification and acquisition of
27 appropriate technologies needed to improve educational and
28 administrative performance which include a means for promoting
29 safe, ethical, and appropriate uses of technology which comply
30 with legal and professional standards.

31 3. The current incoming baseline standard of student

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1 academic achievement, the outcomes to be achieved, and the
2 method of measurement that will be used. The criteria listed
3 in this subparagraph shall include a detailed description for
4 each of the following:

5 a. How the baseline student academic achievement
6 levels and prior rates of academic progress will be
7 established.

8 b. How these baseline rates will be compared to rates
9 of academic progress achieved by these same students while
10 attending the charter school.

11 c. To the extent possible, how these rates of progress
12 will be evaluated and compared with rates of progress of other
13 closely comparable student populations.

14
15 The district school board is required to provide academic
16 student performance data to charter schools for each of their
17 students coming from the district school system, as well as
18 rates of academic progress of comparable student populations
19 in the district school system.

20 4. The methods used to identify the educational
21 strengths and needs of students and how well educational goals
22 and performance standards are met by students attending the
23 charter school. Included in the methods is a means for the
24 charter school to ensure accountability to its constituents by
25 analyzing student performance data and by evaluating the
26 effectiveness and efficiency of its major educational
27 programs. Students in charter schools shall, at a minimum,
28 participate in the statewide assessment program created under
29 s. 1008.22.

30 5. In secondary charter schools, a method for
31 determining that a student has satisfied the requirements for

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1 graduation in s. 1003.43.

2 6. A method for resolving conflicts between the
3 governing body of the charter school and the sponsor.

4 7. The admissions procedures and dismissal procedures,
5 including the school's code of student conduct.

6 8. The ways by which the school will achieve a
7 racial/ethnic balance reflective of the community it serves or
8 within the racial/ethnic range of other public schools in the
9 same school district.

10 9. The financial and administrative management of the
11 school, including a reasonable demonstration of the
12 professional experience or competence of those individuals or
13 organizations applying to operate the charter school or those
14 hired or retained to perform such professional services and
15 the description of clearly delineated responsibilities and the
16 policies and practices needed to effectively manage the
17 charter school. A description of internal audit procedures and
18 establishment of controls to ensure that financial resources
19 are properly managed must be included. Both public sector and
20 private sector professional experience shall be equally valid
21 in such a consideration.

22 10. A description of procedures that identify various
23 risks and provide for a comprehensive approach to reduce the
24 impact of losses; plans to ensure the safety and security of
25 students and staff; plans to identify, minimize, and protect
26 others from violent or disruptive student behavior; and the
27 manner in which the school will be insured, including whether
28 or not the school will be required to have liability
29 insurance, and, if so, the terms and conditions thereof and
30 the amounts of coverage.

31 11. The term of the charter which shall provide for

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1 cancellation of the charter if insufficient progress has been
2 made in attaining the student achievement objectives of the
3 charter and if it is not likely that such objectives can be
4 achieved before expiration of the charter. The initial term of
5 a charter shall be for 3, 4, or 5 years. In order to
6 facilitate access to long-term financial resources for charter
7 school construction, charter schools that are operated by a
8 municipality or other public entity as provided by law are
9 eligible for up to a 15-year charter, subject to approval by
10 the district school board. A charter lab school is eligible
11 for a charter for a term of up to 15 years. In addition, to
12 facilitate access to long-term financial resources for charter
13 school construction, charter schools that are operated by a
14 private, not-for-profit, s. 501(c)(3) status corporation are
15 eligible for up to a 10-year charter, subject to approval by
16 the district school board. Such long-term charters remain
17 subject to annual review and may be terminated during the term
18 of the charter, but only for specific good cause according to
19 the provisions set forth in subsection (8).

20 12. The facilities to be used and their location.

21 13. The qualifications to be required of the teachers
22 and the potential strategies used to recruit, hire, train, and
23 retain qualified staff to achieve best value.

24 14. The governance structure of the school, including
25 the status of the charter school as a public or private
26 employer as required in paragraph (12)(i).

27 15. A timetable for implementing the charter which
28 addresses the implementation of each element thereof and the
29 date by which the charter shall be awarded in order to meet
30 this timetable.

31 16. In the case of an existing public school being

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1 converted to charter status, alternative arrangements for
2 current students who choose not to attend the charter school
3 and for current teachers who choose not to teach in the
4 charter school after conversion in accordance with the
5 existing collective bargaining agreement or district school
6 board rule in the absence of a collective bargaining
7 agreement. However, alternative arrangements shall not be
8 required for current teachers who choose not to teach in a
9 charter lab school, except as authorized by the employment
10 policies of the state university which grants the charter to
11 the lab school.

12 (b) A charter may be renewed every 5 school years,
13 provided that a program review demonstrates that the criteria
14 in paragraph (a) have been successfully accomplished and that
15 none of the grounds for nonrenewal established by paragraph
16 (8)(a) have been documented. In order to facilitate long-term
17 financing for charter school construction, charter schools
18 operating for a minimum of 2 years and demonstrating exemplary
19 academic programming and fiscal management are eligible for a
20 15-year charter renewal. Such long-term charter is subject to
21 annual review and may be terminated during the term of the
22 charter.

23 (c) A charter may be modified during its initial term
24 or any renewal term upon the recommendation of the sponsor or
25 the charter school governing board and the approval of both
26 parties to the agreement.

27 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

28 (a) At the end of the term of a charter, the sponsor
29 may choose not to renew the charter for any of the following
30 grounds:

31 1. Failure to meet the requirements for student

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1 performance stated in the charter.

2 2. Failure to meet generally accepted standards of
3 fiscal management.

4 3. Violation of law.

5 4. Other good cause shown.

6 (b) During the term of a charter, the sponsor may
7 terminate the charter for any of the grounds listed in
8 paragraph (a).

9 (c) At least 90 days prior to renewing or terminating
10 a charter, the sponsor shall notify the governing body of the
11 school of the proposed action in writing. The notice shall
12 state in reasonable detail the grounds for the proposed action
13 and stipulate that the school's governing body may, within 14
14 calendar days after receiving the notice, request an informal
15 hearing before the sponsor. The sponsor shall conduct the
16 informal hearing within 30 calendar days after receiving a
17 written request. The charter school's governing body may,
18 within 14 calendar days after receiving the sponsor's decision
19 to terminate or refuse to renew the charter, appeal the
20 decision pursuant to the procedure established in subsection
21 (6).

22 (d) A charter may be terminated immediately if the
23 sponsor determines that good cause has been shown or if the
24 health, safety, or welfare of the students is threatened. The
25 school district in which the charter school is located shall
26 assume operation of the school under these circumstances. The
27 charter school's governing board may, within 14 days after
28 receiving the sponsor's decision to terminate the charter,
29 appeal the decision pursuant to the procedure established in
30 subsection (6).

31 (e) When a charter is not renewed or is terminated,

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1 the school shall be dissolved under the provisions of law
2 under which the school was organized, and any unencumbered
3 public funds from the charter school shall revert to the
4 district school board. In the event a charter school is
5 dissolved or is otherwise terminated, all district school
6 board property and improvements, furnishings, and equipment
7 purchased with public funds shall automatically revert to full
8 ownership by the district school board, subject to complete
9 satisfaction of any lawful liens or encumbrances. Any
10 unencumbered public funds from the charter school, district
11 school board property and improvements, furnishings, and
12 equipment purchased with public funds, or financial or other
13 records pertaining to the charter school, in the possession of
14 any person, entity, or holding company, other than the charter
15 school, shall be held in trust upon the district school
16 board's request, until any appeal status is resolved.

17 (f) If a charter is not renewed or is terminated, the
18 charter school is responsible for all debts of the charter
19 school. The district may not assume the debt from any contract
20 for services made between the governing body of the school and
21 a third party, except for a debt that is previously detailed
22 and agreed upon in writing by both the district and the
23 governing body of the school and that may not reasonably be
24 assumed to have been satisfied by the district.

25 (g) If a charter is not renewed or is terminated, a
26 student who attended the school may apply to, and shall be
27 enrolled in, another public school. Normal application
28 deadlines shall be disregarded under such circumstances.

29 (9) CHARTER SCHOOL REQUIREMENTS.--

30 (a) A charter school shall be nonsectarian in its
31 programs, admission policies, employment practices, and

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1 operations.

2 (b) A charter school shall admit students as provided
3 in subsection (10).

4 (c) A charter school shall be accountable to its
5 sponsor for performance as provided in subsection (7).

6 (d) A charter school shall not charge tuition or
7 registration fees, except those fees normally charged by other
8 public schools. However, a charter lab school may charge a
9 student activity and service fee as authorized by s.
10 1002.32(5).

11 (e) A charter school shall meet all applicable state
12 and local health, safety, and civil rights requirements.

13 (f) A charter school shall not violate the
14 antidiscrimination provisions of s. 1000.05.

15 (g) A charter school shall provide for an annual
16 financial audit in accordance with s. 218.39.

17 (h) No organization shall hold more than 15 charters
18 statewide.

19 (i) In order to provide financial information that is
20 comparable to that reported for other public schools, charter
21 schools are to maintain all financial records which constitute
22 their accounting system:

23 1. In accordance with the accounts and codes
24 prescribed in the most recent issuance of the publication
25 titled "Financial and Program Cost Accounting and Reporting
26 for Florida Schools"; or

27 2. At the discretion of the charter school governing
28 board, a charter school may elect to follow generally accepted
29 accounting standards for not-for-profit organizations, but
30 must reformat this information for reporting according to this
31 paragraph.

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Charter schools are to provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent, but must reformat this information for reporting according to this paragraph.

(j) The governing board of the charter school shall annually adopt and maintain an operating budget.

(k) The governing body of the charter school shall exercise continuing oversight over charter school operations and make annual progress reports to its sponsor, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:

1. The charter school's progress towards achieving the goals outlined in its charter.

2. The information required in the annual school report pursuant to s. 1008.345.

3. Financial records of the charter school, including revenues and expenditures.

4. Salary and benefit levels of charter school employees.

(l) A charter school shall not levy taxes or issue bonds secured by tax revenues.

(m) A charter school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

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1 (10) ELIGIBLE STUDENTS.--

2 (a) A charter school shall be open to any student
3 covered in an interdistrict agreement or residing in the
4 school district in which the charter school is located;
5 however, in the case of a charter lab school, the charter lab
6 school shall be open to any student eligible to attend the lab
7 school as provided in s. 1002.32 or who resides in the school
8 district in which the charter lab school is located. Any
9 eligible student shall be allowed interdistrict transfer to
10 attend a charter school when based on good cause.

11 (b) The charter school shall enroll an eligible
12 student who submits a timely application, unless the number of
13 applications exceeds the capacity of a program, class, grade
14 level, or building. In such case, all applicants shall have an
15 equal chance of being admitted through a random selection
16 process.

17 (c) When a public school converts to charter status,
18 enrollment preference shall be given to students who would
19 have otherwise attended that public school.

20 (d) A charter school may give enrollment preference to
21 the following student populations:

22 1. Students who are siblings of a student enrolled in
23 the charter school.

24 2. Students who are the children of a member of the
25 governing board of the charter school.

26 3. Students who are the children of an employee of the
27 charter school.

28 (e) A charter school may limit the enrollment process
29 only to target the following student populations:

30 1. Students within specific age groups or grade
31 levels.

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1 2. Students considered at risk of dropping out of
2 school or academic failure. Such students shall include
3 exceptional education students.

4 3. Students enrolling in a charter
5 school-in-the-workplace or charter school-in-a-municipality
6 established pursuant to subsection (16).

7 4. Students residing within a reasonable distance of
8 the charter school, as described in paragraph (21)(c). Such
9 students shall be subject to a random lottery and to the
10 racial/ethnic balance provisions described in subparagraph
11 (7)(a)8. or any federal provisions that require a school to
12 achieve a racial/ethnic balance reflective of the community it
13 serves or within the racial/ethnic range of other public
14 schools in the same school district.

15 5. Students who meet reasonable academic, artistic, or
16 other eligibility standards established by the charter school
17 and included in the charter school application and charter or,
18 in the case of existing charter schools, standards that are
19 consistent with the school's mission and purpose. Such
20 standards shall be in accordance with current state law and
21 practice in public schools and may not discriminate against
22 otherwise qualified individuals.

23 6. Students articulating from one charter school to
24 another pursuant to an articulation agreement between the
25 charter schools that has been approved by the sponsor.

26 (f) Students with handicapping conditions and students
27 served in English for Speakers of Other Languages programs
28 shall have an equal opportunity of being selected for
29 enrollment in a charter school.

30 (g) A student may withdraw from a charter school at
31 any time and enroll in another public school as determined by

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1 district school board rule.

2 (h) The capacity of the charter school shall be
3 determined annually by the governing board, in conjunction
4 with the sponsor, of the charter school in consideration of
5 the factors identified in this subsection.

6 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
7 ACTIVITIES.--A charter school student is eligible to
8 participate in an interscholastic extracurricular activity at
9 the public school to which the student would be otherwise
10 assigned to attend pursuant to s. 1006.15(3)(d).

11 (12) EMPLOYEES OF CHARTER SCHOOLS.--

12 (a) A charter school shall select its own employees. A
13 charter school may contract with its sponsor for the services
14 of personnel employed by the sponsor.

15 (b) Charter school employees shall have the option to
16 bargain collectively. Employees may collectively bargain as a
17 separate unit or as part of the existing district collective
18 bargaining unit as determined by the structure of the charter
19 school.

20 (c) The employees of a conversion charter school shall
21 remain public employees for all purposes, unless such
22 employees choose not to do so.

23 (d) The teachers at a charter school may choose to be
24 part of a professional group that subcontracts with the
25 charter school to operate the instructional program under the
26 auspices of a partnership or cooperative that they
27 collectively own. Under this arrangement, the teachers would
28 not be public employees.

29 (e) Employees of a school district may take leave to
30 accept employment in a charter school upon the approval of the
31 district school board. While employed by the charter school

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1 and on leave that is approved by the district school board,
2 the employee may retain seniority accrued in that school
3 district and may continue to be covered by the benefit
4 programs of that school district, if the charter school and
5 the district school board agree to this arrangement and its
6 financing. School districts shall not require resignations of
7 teachers desiring to teach in a charter school. This paragraph
8 shall not prohibit a district school board from approving
9 alternative leave arrangements consistent with chapter 1012.
10 (f) Teachers employed by or under contract to a
11 charter school shall be certified as required by chapter 1012.
12 A charter school governing board may employ or contract with
13 skilled selected noncertified personnel to provide
14 instructional services or to assist instructional staff
15 members as education paraprofessionals in the same manner as
16 defined in chapter 1012, and as provided by State Board of
17 Education rule for charter school governing boards. A charter
18 school may not knowingly employ an individual to provide
19 instructional services or to serve as an education
20 paraprofessional if the individual's certification or
21 licensure as an educator is suspended or revoked by this or
22 any other state. A charter school may not knowingly employ an
23 individual who has resigned from a school district in lieu of
24 disciplinary action with respect to child welfare or safety,
25 or who has been dismissed for just cause by any school
26 district with respect to child welfare or safety. The
27 qualifications of teachers shall be disclosed to parents.
28 (g) A charter school shall employ or contract with
29 employees who have been fingerprinted as provided in s.
30 1012.32. Members of the governing board of the charter school
31 shall also be fingerprinted in a manner similar to that

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1 provided in s. 1012.32.

2 (h) For the purposes of tort liability, the governing
3 body and employees of a charter school shall be governed by s.
4 768.28.

5 (i) A charter school shall organize as, or be operated
6 by, a nonprofit organization. A charter school may be operated
7 by a municipality or other public entity as provided for by
8 law. As such, the charter school may be either a private or a
9 public employer. As a public employer, a charter school may
10 participate in the Florida Retirement System upon application
11 and approval as a "covered group" under s. 121.021(34). If a
12 charter school participates in the Florida Retirement System,
13 the charter school employees shall be compulsory members of
14 the Florida Retirement System. As either a private or a public
15 employer, a charter school may contract for services with an
16 individual or group of individuals who are organized as a
17 partnership or a cooperative. Individuals or groups of
18 individuals who contract their services to the charter school
19 are not public employees.

20 (13) NUMBER OF SCHOOLS.--

21 (a) The number of newly created charter schools is
22 limited to no more than 28 in each school district that has
23 100,000 or more students, no more than 20 in each school
24 district that has 50,000 to 99,999 students, and no more than
25 12 in each school district with fewer than 50,000 students.

26 (b) An existing public school which converts to a
27 charter school shall not be counted towards the limit
28 established by paragraph (a).

29 (c) Notwithstanding any limit established by this
30 subsection, a district school board or a charter school
31 applicant shall have the right to request an increase of the

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1 limit on the number of charter schools authorized to be
2 established within the district from the State Board of
3 Education.

4 (d) Whenever a municipality has submitted charter
5 applications for the establishment of a charter school feeder
6 pattern (elementary, middle, and senior high schools), and
7 upon approval of each individual charter application by the
8 district school board, such applications shall then be
9 designated as one charter school for all purposes listed
10 pursuant to this section.

11 (14) CHARTER SCHOOL COOPERATIVES.--Charter schools may
12 enter into cooperative agreements to form charter school
13 cooperative organizations that may provide the following
14 services: charter school planning and development, direct
15 instructional services, and contracts with charter school
16 governing boards to provide personnel administrative services,
17 payroll services, human resource management, evaluation and
18 assessment services, teacher preparation, and professional
19 development.

20 (15) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
21 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
22 TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into
23 to borrow or otherwise secure funds for a charter school
24 authorized in this section from a source other than the state
25 or a school district shall indemnify the state and the school
26 district from any and all liability, including, but not
27 limited to, financial responsibility for the payment of the
28 principal or interest. Any loans, bonds, or other financial
29 agreements are not obligations of the state or the school
30 district but are obligations of the charter school authority
31 and are payable solely from the sources of funds pledged by

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1 such agreement. The credit or taxing power of the state or the
2 school district shall not be pledged and no debts shall be
3 payable out of any moneys except those of the legal entity in
4 possession of a valid charter approved by a district school
5 board pursuant to this section.

6 (16) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER
7 SCHOOLS-IN-A-MUNICIPALITY.--

8 (a) In order to increase business partnerships in
9 education, to reduce school and classroom overcrowding
10 throughout the state, and to offset the high costs for
11 educational facilities construction, the Legislature intends
12 to encourage the formation of business partnership schools or
13 satellite learning centers and municipal-operated schools
14 through charter school status.

15 (b) A charter school-in-the-workplace may be
16 established when a business partner provides the school
17 facility to be used; enrolls students based upon a random
18 lottery that involves all of the children of employees of that
19 business or corporation who are seeking enrollment, as
20 provided for in subsection (10); and enrolls students
21 according to the racial/ethnic balance provisions described in
22 subparagraph (7)(a)8. Any portion of a facility used for a
23 public charter school shall be exempt from ad valorem taxes,
24 as provided for in s. 1013.54, for the duration of its use as
25 a public school.

26 (c) A charter school-in-a-municipality designation may
27 be granted to a municipality that possesses a charter; enrolls
28 students based upon a random lottery that involves all of the
29 children of the residents of that municipality who are seeking
30 enrollment, as provided for in subsection (10); and enrolls
31 students according to the racial/ethnic balance provisions

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1 described in subparagraph (7)(a)8. Any portion of the land and
2 facility used for a public charter school shall be exempt from
3 ad valorem taxes, as provided for in s. 1013.54, for the
4 duration of its use as a public school.

5 (d) As used in this subsection, the terms "business
6 partner" or "municipality" may include more than one business
7 or municipality to form a charter school-in-the-workplace or
8 charter school-in-a-municipality.

9 (17) EXEMPTION FROM STATUTES.--

10 (a) A charter school shall operate in accordance with
11 its charter and shall be exempt from all statutes in chapters
12 1000-1013. However, a charter school shall be in compliance
13 with the following statutes in chapters 1000-1013:

14 1. Those statutes specifically applying to charter
15 schools, including this section.

16 2. Those statutes pertaining to the student assessment
17 program and school grading system.

18 3. Those statutes pertaining to the provision of
19 services to students with disabilities.

20 4. Those statutes pertaining to civil rights,
21 including s. 1000.05, relating to discrimination.

22 5. Those statutes pertaining to student health,
23 safety, and welfare.

24 (b) Additionally, a charter school shall be in
25 compliance with the following statutes:

26 1. Section 286.011, relating to public meetings and
27 records, public inspection, and criminal and civil penalties.

28 2. Chapter 119, relating to public records.

29 (18) FUNDING.--Students enrolled in a charter school,
30 regardless of the sponsorship, shall be funded as if they are
31 in a basic program or a special program, the same as students

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1 enrolled in other public schools in the school district.
2 Funding for a charter lab school shall be as provided in s.
3 1002.32.
4 (a) Each charter school shall report its student
5 enrollment to the district school board as required in s.
6 1011.62, and in accordance with the definitions in s. 1011.61.
7 The district school board shall include each charter school's
8 enrollment in the district's report of student enrollment. All
9 charter schools submitting student record information required
10 by the Department of Education shall comply with the
11 Department of Education's guidelines for electronic data
12 formats for such data, and all districts shall accept
13 electronic data that complies with the Department of
14 Education's electronic format.
15 (b) The basis for the agreement for funding students
16 enrolled in a charter school shall be the sum of the school
17 district's operating funds from the Florida Education Finance
18 Program as provided in s. 1011.62 and the General
19 Appropriations Act, including gross state and local funds,
20 discretionary lottery funds, and funds from the school
21 district's current operating discretionary millage levy;
22 divided by total funded weighted full-time equivalent students
23 in the school district; multiplied by the weighted full-time
24 equivalent students for the charter school. Charter schools
25 whose students or programs meet the eligibility criteria in
26 law shall be entitled to their proportionate share of
27 categorical program funds included in the total funds
28 available in the Florida Education Finance Program by the
29 Legislature, including transportation. Total funding for each
30 charter school shall be recalculated during the year to
31 reflect the revised calculations under the Florida Education

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1 Finance Program by the state and the actual weighted full-time
2 equivalent students reported by the charter school during the
3 full-time equivalent student survey periods designated by the
4 Commissioner of Education.

5 (c) If the district school board is providing programs
6 or services to students funded by federal funds, any eligible
7 students enrolled in charter schools in the school district
8 shall be provided federal funds for the same level of service
9 provided students in the schools operated by the district
10 school board. Pursuant to provisions of 20 U.S.C. 8061 s.
11 10306, all charter schools shall receive all federal funding
12 for which the school is otherwise eligible, including Title I
13 funding, not later than 5 months after the charter school
14 first opens and within 5 months after any subsequent expansion
15 of enrollment.

16 (d) District school boards shall make every effort to
17 ensure that charter schools receive timely and efficient
18 reimbursement, including processing paperwork required to
19 access special state and federal funding for which they may be
20 eligible. The district school board may distribute funds to a
21 charter school for up to 3 months based on the projected
22 full-time equivalent student membership of the charter school.
23 Thereafter, the results of full-time equivalent student
24 membership surveys shall be used in adjusting the amount of
25 funds distributed monthly to the charter school for the
26 remainder of the fiscal year. The payment shall be issued no
27 later than 10 working days after the district school board
28 receives a distribution of state or federal funds. If a
29 warrant for payment is not issued within 30 working days after
30 receipt of funding by the district school board, the school
31 district shall pay to the charter school, in addition to the

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1 amount of the scheduled disbursement, interest at a rate of 1
2 percent per month calculated on a daily basis on the unpaid
3 balance from the expiration of the 30-day period until such
4 time as the warrant is issued.

5 (19) FACILITIES.--

6 (a) A charter school shall utilize facilities which
7 comply with the State Uniform Building Code for Public
8 Educational Facilities Construction adopted pursuant to s.
9 1013.37 or with applicable state minimum building codes
10 pursuant to chapter 553 and state minimum fire protection
11 codes pursuant to s. 633.025, as adopted by the authority in
12 whose jurisdiction the facility is located.

13 (b) Any facility, or portion thereof, used to house a
14 charter school whose charter has been approved by the sponsor
15 and the governing board, pursuant to subsection (7), shall be
16 exempt from ad valorem taxes pursuant to s. 196.1983.

17 (c) Charter school facilities shall utilize facilities
18 which comply with the Florida Building Code, pursuant to
19 chapter 553, and the Florida Fire Prevention Code, pursuant to
20 chapter 633.

21 (d) Charter school facilities are exempt from
22 assessments of fees for building permits, except as provided
23 in s. 553.80, and from assessments of impact fees or service
24 availability fees.

25 (e) If a district school board facility or property is
26 available because it is surplus, marked for disposal, or
27 otherwise unused, it shall be provided for a charter school's
28 use on the same basis as it is made available to other public
29 schools in the district. A charter school receiving property
30 from the school district may not sell or dispose of such
31 property without written permission of the school district.

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1 Similarly, for an existing public school converting to charter
2 status, no rental or leasing fee for the existing facility or
3 for the property normally inventoried to the conversion school
4 may be charged by the district school board to the parents and
5 teachers organizing the charter school. The charter organizers
6 shall agree to reasonable maintenance provisions in order to
7 maintain the facility in a manner similar to district school
8 board standards. The Public Education Capital Outlay
9 maintenance funds or any other maintenance funds generated by
10 the facility operated as a conversion school shall remain with
11 the conversion school.

12 (20) CAPITAL OUTLAY FUNDING.--Charter schools are
13 eligible for capital outlay funds pursuant to s. 1013.62.

14 (21) SERVICES.--

15 (a) A sponsor shall provide certain administrative and
16 educational services to charter schools. These services shall
17 include contract management services, full-time equivalent and
18 data reporting services, exceptional student education
19 administration services, test administration services,
20 processing of teacher certificate data services, and
21 information services. Any administrative fee charged by the
22 sponsor for the provision of services shall be limited to 5
23 percent of the available funds defined in paragraph (18)(b).

24 (b) If goods and services are made available to the
25 charter school through the contract with the school district,
26 they shall be provided to the charter school at a rate no
27 greater than the district's actual cost. To maximize the use
28 of state funds, school districts shall allow charter schools
29 to participate in the sponsor's bulk purchasing program if
30 applicable.

31 (c) Transportation of charter school students shall be

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1 provided by the charter school consistent with the
2 requirements of part I.e. of chapter 1006. The governing body
3 of the charter school may provide transportation through an
4 agreement or contract with the district school board, a
5 private provider, or parents. The charter school and the
6 sponsor shall cooperate in making arrangements that ensure
7 that transportation is not a barrier to equal access for all
8 students residing within a reasonable distance of the charter
9 school as determined in its charter.

10 (22) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The
11 Department of Education shall provide information to the
12 public, directly and through sponsors, both on how to form and
13 operate a charter school and on how to enroll in charter
14 schools once they are created. This information shall include
15 a standard application format which shall include the
16 information specified in subsection (7). This application
17 format may be used by chartering entities.

18 (23) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE
19 REVIEW.--

20 (a) The Department of Education shall regularly
21 convene a Charter School Review Panel in order to review
22 issues, practices, and policies regarding charter schools. The
23 composition of the review panel shall include individuals with
24 experience in finance, administration, law, education, and
25 school governance, and individuals familiar with charter
26 school construction and operation. The panel shall include two
27 appointees each from the Commissioner of Education, the
28 President of the Senate, and the Speaker of the House of
29 Representatives. The Governor shall appoint three members of
30 the panel and shall designate the chair. Each member of the
31 panel shall serve a 1-year term, unless renewed by the office

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1 making the appointment. The panel shall make recommendations
2 to the Legislature, to the Department of Education, to charter
3 schools, and to school districts for improving charter school
4 operations and oversight and for ensuring best business
5 practices at and fair business relationships with charter
6 schools.

7 (b) The Legislature shall review the operation of
8 charter schools during the 2005 Regular Session of the
9 Legislature.

10 (24) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon
11 receipt of the annual report required by paragraph (9)(k), the
12 Department of Education shall provide to the State Board of
13 Education, the Commissioner of Education, the President of the
14 Senate, and the Speaker of the House of Representatives an
15 analysis and comparison of the overall performance of charter
16 school students, to include all students whose scores are
17 counted as part of the statewide assessment program, versus
18 comparable public school students in the district as
19 determined by the statewide assessment program currently
20 administered in the school district, and other assessments
21 administered pursuant to s. 1008.22(3).

22 (25) CONVERSION CHARTER SCHOOL PILOT PROGRAM.--

23 (a) The conversion charter school pilot program is
24 hereby established with the intent to provide incentives for
25 local school districts to approve conversion charter schools.

26 (b) The conversion charter school pilot program shall
27 be a statewide pilot program in which 10 schools shall be
28 selected based on a competitive application process in
29 accordance with this section.

30 (c) The purpose of the pilot program is to produce
31 significant improvements in student achievement and school

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1 management, to encourage and measure the use of innovative
2 learning methods, and to make the school the unit for
3 improvement.

4 (d) Each school principal or a majority of the parents
5 of students attending the school, a majority of the school's
6 teachers, or a majority of the members of the school advisory
7 council may apply to the school district to participate in
8 this pilot program on forms which shall be provided by the
9 Department of Education. The forms shall include
10 acknowledgment by the school principal of applicable
11 provisions of this section and s. 1013.62. For purposes of
12 this paragraph, "a majority of the parents of students
13 attending the school" means more than 50 percent of the
14 parents voting whose children are enrolled at the school,
15 provided that a majority of the parents eligible to vote
16 participate in the ballot process; and "a majority of the
17 school's teachers" means more than 50 percent of the teachers
18 employed at the school, according to procedures established by
19 rule of the State Board of Education pursuant to subsections
20 (3) and (4).

21 (e) A person or group who has applied to participate
22 in the pilot program created by this section, pursuant to
23 paragraph (d), shall not be subject to an unlawful reprisal,
24 as defined by paragraph (4)(a), as a consequence of such
25 application. The procedures established by subsections (3) and
26 (4) shall apply to any alleged unlawful reprisal which occurs
27 as a consequence of such application.

28 (f) A district school board shall receive and review
29 all applications by school principals, parents, teachers, or
30 school advisory council members to participate in the pilot
31 project; shall select the best applications; and shall submit

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1 these applications, together with the district school board's
2 letter of endorsement and commitment of support and
3 cooperation toward the success of program implementation, for
4 review by the statewide selection panel established pursuant
5 to paragraph (g).

6 (g) A conversion charter school pilot program
7 statewide selection panel is established. The panel shall be
8 comprised of the following nine members who are not elected
9 public officials:

10 1. Three members shall be appointed by the Governor.

11 2. Two members shall be appointed by the Commissioner
12 of Education.

13 3. Two members shall be appointed by the President of
14 the Senate.

15 4. Two members shall be appointed by the Speaker of
16 the House of Representatives.

17
18 The panel shall review the conversion charter school pilot
19 program applications submitted by the district school boards
20 and shall select the 10 applications which the panel deems
21 best comply with the purpose of the program pursuant to
22 paragraph (c).

23 (h) Each district school board in which there is a
24 school selected by the statewide panel for participation in
25 the pilot program shall receive a grant as provided in the
26 General Appropriations Act:

27 1. One hundred thousand dollars for planning and
28 development for each conversion charter school selected; and

29 2.a. Eighty thousand dollars for each conversion
30 charter school selected with 500 or fewer students;

31 b. One hundred thousand dollars for each conversion

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1 charter school selected with more than 500 but fewer than
2 1,001 students; or

3 c. One hundred twenty thousand dollars for each
4 conversion charter school selected with more than 1,000
5 students.

6
7 The Commissioner of Education may reduce the district's FEFP
8 funding entitlement by the amount of the grant awarded under
9 this subsection if he or she determines that the district has
10 failed to comply with its letter of endorsement and commitment
11 of support and cooperation submitted under paragraph (f).

12 (i) Each conversion charter school selected for
13 participation in the pilot program shall make annual progress
14 reports to the district school board and the Commissioner of
15 Education detailing the school's progress in achieving the
16 purpose of the program as described in paragraph (c).

17 (26) RULEMAKING.--The Department of Education, after
18 consultation with school districts and charter school
19 directors, shall recommend that the State Board of Education
20 adopt rules to implement specific subsections of this section.
21 Such rules shall require minimum paperwork and shall not limit
22 charter school flexibility authorized by statute.

23 Section 99. Section 1002.34, Florida Statutes, is
24 created to read:

25 1002.34 Charter technical career centers.--

26 (1) AUTHORIZATION.--The Legislature finds that the
27 establishment of charter technical career centers can assist
28 in promoting advances and innovations in workforce preparation
29 and economic development. A charter technical career center
30 may provide a learning environment that better serves the
31 needs of a specific population group or a group of

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1 occupations, thus promoting diversity and choices within the
2 public education and public postsecondary technical education
3 community in this state. Therefore, the creation of such
4 centers is authorized as part of the state's program of public
5 education. A charter technical career center may be formed by
6 creating a new school or converting an existing school
7 district or community college program to charter technical
8 status.

9 (2) PURPOSE.--The purpose of a charter technical
10 career center is to:

11 (a) Develop a competitive workforce to support local
12 business and industry and economic development.

13 (b) Create a training and education model that is
14 reflective of marketplace realities.

15 (c) Offer a continuum of career educational
16 opportunities using a school-to-work, tech-prep, technical,
17 academy, and magnet school model.

18 (d) Provide career pathways for lifelong learning and
19 career mobility.

20 (e) Enhance career and technical training.

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

22 (a) "Charter technical career center" or "center"
23 means a public school or a public technical center operated
24 under a charter granted by a district school board or
25 community college board of trustees or a consortium, including
26 one or more district school boards and community college
27 boards of trustees, that includes the district in which the
28 facility is located, that is nonsectarian in its programs,
29 admission policies, employment practices, and operations, and
30 is managed by a board of directors.

31 (b) "Sponsor" means a district school board, a

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1 community college board of trustees, or a consortium of one or
2 more of each.

3 (4) CHARTER.--A sponsor may designate centers as
4 provided in this section. An application to establish a
5 center may be submitted by a sponsor or another organization
6 that is determined, by rule of the State Board of Education,
7 to be appropriate. However, an independent school is not
8 eligible for status as a center. The charter must be signed
9 by the governing body of the center and the sponsor, and must
10 be approved by the district school board and community college
11 board of trustees in whose geographic region the facility is
12 located. If a charter technical career center is established
13 by the conversion to charter status of a public technical
14 center formerly governed by a district school board, the
15 charter status of that center takes precedence in any question
16 of governance. The governance of the center or of any program
17 within the center remains with its board of directors unless
18 the board agrees to a change in governance or its charter is
19 revoked as provided in subsection (15). Such a conversion
20 charter technical career center is not affected by a change in
21 the governance of public technical centers or of programs
22 within other centers that are or have been governed by
23 district school boards. A charter technical career center, or
24 any program within such a center, that was governed by a
25 district school board and transferred to a community college
26 prior to the effective date of this act is not affected by
27 this provision. An applicant who wishes to establish a center
28 must submit to the district school board or community college
29 board of trustees, or a consortium of one or more of each, an
30 application that includes:

31 (a) The name of the proposed center.

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1 (b) The proposed structure of the center, including a
2 list of proposed members of the board of directors or a
3 description of the qualifications for and method of their
4 appointment or election.

5 (c) The workforce development goals of the center, the
6 curriculum to be offered, and the outcomes and the methods of
7 assessing the extent to which the outcomes are met.

8 (d) The admissions policy and criteria for evaluating
9 the admission of students.

10 (e) A description of the staff responsibilities and
11 the proposed qualifications of the teaching staff.

12 (f) A description of the procedures to be implemented
13 to ensure significant involvement of representatives of
14 business and industry in the operation of the center.

15 (g) A method for determining whether a student has
16 satisfied the requirements for graduation specified in s.
17 1003.43 and for completion of a postsecondary certificate or
18 degree.

19 (h) A method for granting secondary and postsecondary
20 diplomas, certificates, and degrees.

21 (i) A description of and address for the physical
22 facility in which the center will be located.

23 (j) A method of resolving conflicts between the
24 governing body of the center and the sponsor and between
25 consortium members, if applicable.

26 (k) A method for reporting student data as required by
27 law and rule.

28 (l) Other information required by the district school
29 board or community college board of trustees.

30
31 Students at a center must meet the same testing and academic

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1 performance standards as those established by law and rule for
2 students at public schools and public technical centers. The
3 students must also meet any additional assessment indicators
4 that are included within the charter approved by the district
5 school board or community college board of trustees.

6 (5) APPLICATION.--An application to establish a center
7 must be submitted by February 1 of the year preceding the
8 school year in which the center will begin operation. The
9 sponsor must review the application and make a final decision
10 on whether to approve the application and grant the charter by
11 March 1, and may condition the granting of a charter on the
12 center's taking certain actions or maintaining certain
13 conditions. Such actions and conditions must be provided to
14 the applicant in writing. The district school board or
15 community college board of trustees is not required to issue a
16 charter to any person.

17 (6) SPONSOR.--A district school board or community
18 college board of trustees or a consortium of one or more of
19 each may sponsor a center in the county in which the board has
20 jurisdiction.

21 (a) A sponsor must review all applications for centers
22 received through at least February 1 of each calendar year for
23 centers to be opened at the beginning of the sponsor's next
24 school year. A sponsor may receive applications later than
25 this date if it so chooses. To facilitate an accurate budget
26 projection process, a sponsor shall be held harmless for FTE
27 students who are not included in the FTE projection due to
28 approval of applications after the FTE projection deadline. A
29 sponsor must, by a majority vote, approve or deny an
30 application no later than 60 days after the application is
31 received. If an application is denied, the sponsor must,

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1 within 10 days, notify the applicant in writing of the
2 specific reasons for denial, which must be based upon good
3 cause. Upon approval of a charter application, the initial
4 startup must be consistent with the beginning of the public
5 school or community college calendar for the district in which
6 the charter is granted, unless the sponsor allows a waiver of
7 this provision for good cause.

8 (b) An applicant may appeal any denial of its
9 application to the State Board of Education within 30 days
10 after the sponsor's denial and shall notify the sponsor of its
11 appeal. Any response of the sponsor must be submitted to the
12 state board within 30 days after notification of the appeal.
13 The State Board of Education must, by majority vote, accept or
14 reject the decision of the sponsor no later than 60 days after
15 an appeal is filed, pursuant to State Board of Education rule.
16 The State Board of Education may reject an appeal for failure
17 to comply with procedural rules governing the appeals process,
18 and the rejection must describe the submission errors. The
19 appellant may have up to 15 days after notice of rejection to
20 resubmit an appeal. An application for appeal submitted after
21 a rejection is timely if the original appeal was filed within
22 30 days after the sponsor's denial. The State Board of
23 Education shall remand the application to the sponsor with a
24 written recommendation that the sponsor approve or deny the
25 application, consistent with the state board's decision. The
26 decision of the State Board of Education is not subject to the
27 provisions of chapter 120.

28 (c) The sponsor must act upon the recommendation of
29 the State Board of Education within 30 days after it is
30 received, unless the sponsor determines by competent
31 substantial evidence that approving the state board's

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1 recommendation would be contrary to law or the best interests
2 of the students or the community. The sponsor must notify the
3 applicant in writing concerning the specific reasons for its
4 failure to follow the state board's recommendation. The
5 sponsor's action on the state board's recommendation is a
6 final action, subject to judicial review.

7 (d) The Department of Education may provide technical
8 assistance to an applicant upon written request.

9 (e) The terms and conditions for the operation of a
10 center must be agreed to by the sponsor and the applicant in a
11 written contract. The sponsor may not impose unreasonable
12 requirements that violate the intent of giving centers greater
13 flexibility to meet educational goals. The applicant and
14 sponsor must reach an agreement on the provisions of the
15 contract or the application is deemed denied.

16 (f) The sponsor shall monitor and review the center's
17 progress towards charter goals and shall monitor the center's
18 revenues and expenditures.

19 (7) LEGAL ENTITY.--A center must organize as a
20 nonprofit organization and adopt a name and corporate seal. A
21 center is a body corporate and politic, with all powers to
22 implement its charter program. The center may:

23 (a) Be a private or a public employer.

24 (b) Sue and be sued, but only to the same extent and
25 upon the same conditions that a public entity can be sued.

26 (c) Acquire real property by purchase, lease, lease
27 with an option to purchase, or gift, to use as a center
28 facility.

29 (d) Receive and disburse funds.

30 (e) Enter into contracts or leases for services,
31 equipment, or supplies.

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1 (f) Incur temporary debts in anticipation of the
2 receipt of funds.

3 (g) Solicit and accept gifts or grants for career
4 center purposes.

5 (h) Take any other action that is not inconsistent
6 with this section and rules adopted under this section.

7 (8) ELIGIBLE STUDENTS.--A center must be open to all
8 students as space is available and may not discriminate in
9 admissions policies or practices on the basis of an
10 individual's physical disability or proficiency in English or
11 on any other basis that would be unlawful if practiced by a
12 public school or a community college. A center may establish
13 reasonable criteria by which to evaluate prospective students,
14 which criteria must be outlined in the charter.

15 (9) FACILITIES.--A center may be located in any
16 suitable location, including part of an existing public school
17 or community college building, space provided on a public
18 worksite, or a public building. A center's facilities must
19 comply with the State Uniform Building Code for Public
20 Educational Facilities Construction adopted pursuant to s.
21 1013.37, or with applicable state minimum building codes
22 pursuant to chapter 553, and state minimum fire protection
23 codes pursuant to s. 633.025, adopted by the authority in
24 whose jurisdiction the facility is located. If K-12 public
25 school funds are used for construction, the facility must
26 remain on the local school district's Florida Inventory of
27 School Houses (FISH) school building inventory of the district
28 school board and must revert to the district school board if
29 the consortium dissolves and the program is discontinued. If
30 community college public school funds are used for
31 construction, the facility must remain on the local community

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1 college's facilities inventory and must revert to the local
2 community college board of trustees if the consortium
3 dissolves and the program is discontinued. The additional
4 student capacity created by the addition of the center to the
5 local school district's FISH may not be calculated in the
6 permanent student capacity for the purpose of determining need
7 or eligibility for state capital outlay funds while the
8 facility is used as a center. If the construction of the
9 center is funded jointly by K-12 public school funds and
10 community college funds, the sponsoring entities must agree,
11 before granting the charter, on the appropriate owner and
12 terms of transfer of the facility if the charter is dissolved.

13 (10) EXEMPTION FROM STATUTES.--

14 (a) A center must operate pursuant to its charter and
15 is exempt from all statutes of the Florida School Code except
16 provisions pertaining to civil rights and to student health,
17 safety, and welfare, or as otherwise required by law.

18 (b) A center must comply with the Florida K-20
19 Education Code with respect to providing services to students
20 with disabilities.

21 (c) A center must comply with the antidiscrimination
22 provisions of s. 1000.05.

23 (11) FUNDING.--

24 (a) Each district school board and community college
25 that sponsors a charter technical career center shall pay
26 directly to the center an amount stated in the charter. State
27 funding shall be generated for the center for its student
28 enrollment and program outcomes as provided in law. A center
29 is eligible for funding from the Florida Workforce Development
30 Education Fund, the Florida Education Finance Program, and the
31 Community College Program Fund, depending upon the programs

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1 conducted by the center.

2 (b) A center may receive other state and federal aid,
3 grants, and revenue through the district school board or
4 community college board of trustees.

5 (c) A center may receive gifts and grants from private
6 sources.

7 (d) A center may not levy taxes or issue bonds, but it
8 may charge a student tuition fee consistent with authority
9 granted in its charter and permitted by law.

10 (e) A center shall provide for an annual financial
11 audit in accordance with s. 218.39.

12 (f) A center must provide instruction for at least the
13 number of days required by law for other public schools or
14 community colleges, as appropriate, and may provide
15 instruction for additional days.

16 (12) EMPLOYEES OF A CENTER.--

17 (a) A center may select its own employees.

18 (b) A center may contract for services with an
19 individual, partnership, or a cooperative. Such persons
20 contracted with are not public employees.

21 (c) If a center contracts with a public educational
22 agency for services, the terms of employment must follow
23 existing state law and rule and local policies and procedures.

24 (d) The employees of a center may bargain
25 collectively, as a separate unit or as part of the existing
26 district collective bargaining unit, as determined by the
27 structure of the center.

28 (e) As a public employer, a center may participate in:

29 1. The Florida Retirement System upon application and
30 approval as a "covered group" under s. 121.021(34). If a
31 center participates in the Florida Retirement System, its

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1 employees are compulsory members of the Florida Retirement
2 System.

3 2. The State Community College System Optional
4 Retirement Program pursuant to s. 1012.875(2), if the charter
5 is granted by a community college that participates in the
6 optional retirement program and meets the eligibility criteria
7 of s. 121.051(2)(c).

8 (f) Teachers who are considered qualified by the
9 career center are exempt from state certification
10 requirements.

11 (g) A public school or community college teacher or
12 administrator may take a leave of absence to accept employment
13 in a charter technical career center upon the approval of the
14 school district or community college.

15 (h) An employee who is on a leave of absence under
16 this section may retain seniority accrued in that school
17 district or community college and may continue to be covered
18 by the benefit programs of that district or community college
19 if the center and the district school board or community
20 college board of trustees agree to this arrangement and its
21 financing.

22 (13) BOARD OF DIRECTORS AUTHORITY.--The board of
23 directors of a center may decide matters relating to the
24 operation of the school, including budgeting, curriculum, and
25 operating procedures, subject to the center's charter.

26 (14) ACCOUNTABILITY.--Each center must submit a report
27 to the participating district school board or community
28 college board of trustees by August 1 of each year. The
29 report must be in such form as the sponsor prescribes and must
30 include:

31 (a) A discussion of progress made toward the

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1 achievement of the goals outlined in the center's charter.

2 (b) A financial statement setting forth by appropriate
3 categories the revenue and expenditures for the previous
4 school year.

5 (15) TERMS OF THE CHARTER.--The term of an initial
6 charter may not exceed 5 years. Thereafter, the sponsor may
7 renew a charter for a period up to 5 years. The sponsor may
8 refuse to renew a charter or may revoke a charter if the
9 center has not fulfilled a condition imposed under the charter
10 or if the center has violated any provision of the charter.
11 The sponsor may place the center on probationary status to
12 allow the implementation of a remedial plan, after which, if
13 the plan is unsuccessful, the charter may be summarily
14 revoked. The sponsor shall develop procedures and guidelines
15 for the revocation and renewal of a center's charter. The
16 sponsor must give written notice of its intent not to renew
17 the charter at least 12 months before the charter expires. If
18 the sponsor revokes a charter before the scheduled expiration
19 date, the sponsor must provide written notice to the governing
20 board of the center at least 60 days before the date of
21 termination, stating the grounds for the proposed revocation.
22 The governing board of the center may request in writing an
23 informal hearing before the sponsor within 14 days after
24 receiving the notice of revocation. A revocation takes effect
25 at the conclusion of a school year, unless the sponsor
26 determines that earlier revocation is necessary to protect the
27 health, safety, and welfare of students. The sponsor shall
28 monitor and review the center in its progress towards the
29 goals established in the charter and shall monitor the
30 revenues and expenditures of the center.

31 (16) TRANSPORTATION.--The center may provide

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1 transportation, pursuant to chapter 1006, through a contract
2 with the district school board or the community college board
3 of trustees, a private provider, or parents of students. The
4 center must ensure that transportation is not a barrier to
5 equal access for all students in grades K-12 residing within a
6 reasonable distance of the facility.

7 (17) IMMUNITY.--For the purposes of tort liability,
8 the governing body and employees of a center are governed by
9 s. 768.28.

10 (18) RULES.--The State Board of Education shall adopt
11 rules, pursuant to chapter 120, relating to the implementation
12 of charter technical career centers.

13 (19) EVALUATION; REPORT.--The Commissioner of
14 Education shall provide for an annual comparative evaluation
15 of charter technical career centers and public technical
16 centers. The evaluation may be conducted in cooperation with
17 the sponsor, through private contracts, or by department
18 staff. At a minimum, the comparative evaluation must address
19 the demographic and socioeconomic characteristics of the
20 students served, the types and costs of services provided, and
21 the outcomes achieved. By December 30 of each year, the
22 Commissioner of Education shall submit to the Governor, the
23 President of the Senate, the Speaker of the House of
24 Representatives, and the Senate and House committees that have
25 responsibility for secondary and postsecondary career and
26 technical education a report of the comparative evaluation
27 completed for the previous school year.

28 Section 100. Section 1002.35, Florida Statutes, is
29 created to read:

30 1002.35 New World School of the Arts.--

31 (1) The New World School of the Arts is created as a

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1 center of excellence for the performing and visual arts, to
2 serve all of the State of Florida. The school shall offer a
3 program of academic and artistic studies in the visual and
4 performing arts which shall be available to talented high
5 school and college students.

6 (2)(a) For purposes of governance, the New World
7 School of the Arts is assigned to Miami-Dade Community
8 College, the Dade County School District, and one or more
9 universities designated by the State Board of Education. The
10 State Board of Education shall assign to the New World School
11 of the Arts a university partner or partners. In this
12 selection, the State Board of Education shall consider the
13 accreditation status of the core programs. Florida
14 International University, in its capacity as the provider of
15 university services to Dade County, shall be a partner to
16 serve the New World School of the Arts, upon meeting the
17 accreditation criteria. The respective boards shall appoint
18 members to an executive board for administration of the
19 school. The executive board may include community members and
20 shall reflect proportionately the participating institutions.
21 Miami-Dade Community College shall serve as fiscal agent for
22 the school.

23 (b) The New World School of the Arts Foundation is
24 created for the purpose of providing auxiliary financial
25 support for the school's programs, including, but not limited
26 to, the promotion and sponsorship of special events and
27 scholarships. Foundation membership shall be determined by the
28 executive board.

29 (c) The school may affiliate with other public or
30 private educational or arts institutions. The school shall
31 serve as a professional school for all qualified students

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1 within appropriations and limitations established by the
2 Legislature and the respective educational institutions.

3 (3) The school shall submit annually a formula-driven
4 budget request to the commissioner and the Legislature. This
5 formula shall be developed in consultation with the Department
6 of Education and staff of the Legislature. However, the actual
7 funding for the school shall be determined by the Legislature
8 in the General Appropriations Act.

9 (4) The State Board of Education shall utilize
10 resources, programs, and faculty from the various state
11 universities in planning and providing the curriculum and
12 courses at the New World School of the Arts, drawing on
13 program strengths at each state university.

14 Section 101. Section 1002.36, Florida Statutes, is
15 created to read:

16 1002.36 Florida School for the Deaf and the Blind.--

17 (1) RESPONSIBILITIES.--The Florida School for the Deaf
18 and the Blind is a state-supported residential school for
19 hearing-impaired and visually impaired students in preschool
20 through 12th grade. The school is a part of the state system
21 of public education and shall be funded through the Department
22 of Education. The school shall provide educational programs
23 and support services appropriate to meet the education and
24 related evaluation and counseling needs of hearing-impaired
25 and visually impaired students in the state who meet
26 enrollment criteria. Education services may be provided on an
27 outreach basis for sensory-impaired children ages 0 through 5
28 years and their parents. Graduates of the Florida School for
29 the Deaf and the Blind shall be eligible for the William L.
30 Boyd, IV, Florida Resident Access Grant Program as provided in
31 s. 1009.89.

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1 (2) MISSION.--The mission of the Florida School for
2 the Deaf and the Blind is to utilize all available talent,
3 energy, and resources to provide free appropriate public
4 education for eligible sensory-impaired students of Florida.
5 As a school of academic excellence, the school shall strive to
6 provide students an opportunity to maximize their individual
7 potential in a caring, safe, unique learning environment to
8 prepare them to be literate, employable, and independent
9 lifelong learners. The school shall provide outreach services
10 that include collaboration with district school boards and
11 shall encourage input from students, staff, parents, and the
12 community. As a diverse organization, the school shall foster
13 respect and understanding for each individual.

14 (3) AUDITS.--The Auditor General shall audit the
15 Florida School for the Deaf and the Blind as provided in
16 chapter 11.

17 (4) BOARD OF TRUSTEES.--

18 (a) There is hereby created a Board of Trustees for
19 the Florida School for the Deaf and the Blind which shall
20 consist of seven members. Of these seven members, one
21 appointee shall be a blind person and one appointee shall be a
22 deaf person. Each member shall have been a resident of the
23 state for a period of at least 10 years. Their terms of office
24 shall be 4 years. The appointment of the trustees shall be by
25 the Governor with the confirmation of the Senate. The Governor
26 may remove any member for cause and shall fill all vacancies
27 that occur.

28 (b) The board of trustees shall elect a chair
29 annually. The trustees shall be reimbursed for travel expenses
30 as provided in s. 112.061, the accounts of which shall be paid
31 by the Treasurer upon itemized vouchers duly approved by the

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1 chair.

2 (c) The board of trustees has authority to adopt rules
3 pursuant to ss. 120.536(1) and 120.54 to implement provisions
4 of law relating to operation of the Florida School for the
5 Deaf and the Blind. Such rules shall be submitted to the State
6 Board of Education for approval or disapproval. If any rule is
7 not disapproved by the State Board of Education within 60 days
8 of its receipt by the State Board of Education, the rule shall
9 be filed immediately with the Department of State. The board
10 of trustees shall act at all times in conjunction with the
11 rules of the State Board of Education.

12 (d) The board of trustees is a body corporate and
13 shall have a corporate seal. Title to any gift, donation, or
14 bequest received by the board of trustees pursuant to
15 subsection (5) shall vest in the board of trustees. Title to
16 all other property and other assets of the Florida School for
17 the Deaf and the Blind shall vest in the State Board of
18 Education, but the board of trustees shall have complete
19 jurisdiction over the management of the school and is invested
20 with full power and authority to appoint a president, faculty,
21 teachers, and other employees and remove the same as in its
22 judgment may be best and fix their compensation; to procure
23 professional services, such as medical, mental health,
24 architectural, engineering, and legal services; to determine
25 eligibility of students and procedure for admission; to
26 provide for the students of the school necessary bedding,
27 clothing, food, and medical attendance and such other things
28 as may be proper for the health and comfort of the students
29 without cost to their parents, except that the board of
30 trustees may set tuition and other fees for nonresidents; to
31 provide for the proper keeping of accounts and records and for

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1 budgeting of funds; to enter into contracts; to sue and be
2 sued; to secure public liability insurance; and to do and
3 perform every other matter or thing requisite to the proper
4 management, maintenance, support, and control of the school at
5 the highest efficiency economically possible, the board of
6 trustees taking into consideration the purposes of the
7 establishment.

8 (e)1. The board of trustees is authorized to receive
9 gifts, donations, and bequests of money or property, real or
10 personal, tangible or intangible, from any person, firm,
11 corporation, or other legal entity. However, the board of
12 trustees may not obligate the state to any expenditure or
13 policy that is not specifically authorized by law.

14 2. If the bill of sale, will, trust indenture, deed,
15 or other legal conveyance specifies terms and conditions
16 concerning the use of such money or property, the board of
17 trustees shall observe such terms and conditions.

18 3. The board of trustees may deposit outside the State
19 Treasury such moneys as are received as gifts, donations, or
20 bequests and may disburse and expend such moneys, upon its own
21 warrant, for the use and benefit of the Florida School for the
22 Deaf and the Blind and its students, as the board of trustees
23 deems to be in the best interest of the school and its
24 students. Such money or property shall not constitute or be
25 considered a part of any legislative appropriation, and such
26 money shall not be used to compensate any person for engaging
27 in lobbying activities before the House of Representatives or
28 Senate or any committee thereof.

29 4. The board of trustees may sell or convey by bill of
30 sale, deed, or other legal instrument any property, real or
31 personal, received as a gift, donation, or bequest, upon such

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1 terms and conditions as the board of trustees deems to be in
2 the best interest of the school and its students.

3 5. The board of trustees may invest such moneys in
4 securities enumerated under s. 215.47, and in The Common Fund,
5 an Investment Management Fund exclusively for nonprofit
6 educational institutions.

7 (f) The board of trustees shall:

8 1. Prepare and submit legislative budget requests,
9 including fixed capital outlay requests, in accordance with
10 chapter 216 and s. 1013.60.

11 2. Administer and maintain personnel programs for all
12 employees of the board of trustees and the Florida School for
13 the Deaf and the Blind who shall be state employees, including
14 the personnel classification and pay plan established in
15 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
16 academic and academic administrative personnel, the provisions
17 of chapter 110, and the provisions of law that grant authority
18 to the Department of Management Services over such programs
19 for state employees.

20 3. Adopt a master plan which specifies the mission and
21 objectives of the Florida School for the Deaf and the Blind.
22 The plan shall include, but not be limited to, procedures for
23 systematically measuring the school's progress toward meeting
24 its objectives, analyzing changes in the student population,
25 and modifying school programs and services to respond to such
26 changes. The plan shall be for a period of 5 years and shall
27 be reviewed for needed modifications every 2 years. The board
28 of trustees shall submit the initial plan and subsequent
29 modifications to the Speaker of the House of Representatives
30 and the President of the Senate.

31 4. Seek the advice of the Division of Public Schools

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1 within the Department of Education.

2 (g) The Board of Trustees for the Florida School for
3 the Deaf and the Blind, located in St. Johns County, shall
4 designate a portion of the school as "The Verle Allyn Pope
5 Complex for the Deaf," in tribute to the late Senator Verle
6 Allyn Pope.

7 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.--The Board
8 of Trustees for the Florida School for the Deaf and the Blind
9 shall provide for the content and custody of student and
10 employee personnel records. Student records shall be subject
11 to the provisions of s. 1002.22. Employee personnel records
12 shall be subject to the provisions of s. 1012.31.

13 (6) LEGAL SERVICES.--The Board of Trustees for the
14 Florida School for the Deaf and the Blind may provide legal
15 services for officers and employees of the board of trustees
16 who are charged with civil or criminal actions arising out of
17 and in the course of the performance of assigned duties and
18 responsibilities. The board of trustees may provide for
19 reimbursement of reasonable expenses for legal services for
20 officers and employees of said board of trustees who are
21 charged with civil or criminal actions arising out of and in
22 the course of the performance of assigned duties and
23 responsibilities upon successful defense by the officer or
24 employee. However, in any case in which the officer or
25 employee pleads guilty or nolo contendere or is found guilty
26 of any such action, the officer or employee shall reimburse
27 the board of trustees for any legal services that the board of
28 trustees may have supplied pursuant to this section. The
29 board of trustees may also reimburse an officer or employee
30 thereof for any judgment that may be entered against him or
31 her in a civil action arising out of and in the course of the

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1 performance of his or her assigned duties and
2 responsibilities. Each expenditure by the board of trustees
3 for legal defense of an officer or employee, or for
4 reimbursement pursuant to this section, shall be made at a
5 public meeting with notice pursuant to s. 120.525(1). The
6 providing of such legal services or reimbursement under the
7 conditions described in this subsection is declared to be a
8 school purpose for which school funds may be expended.

9 (7) PERSONNEL SCREENING.--

10 (a) The Board of Trustees of the Florida School for
11 the Deaf and the Blind shall, because of the special trust or
12 responsibility of employees of the school, require all
13 employees and applicants for employment to undergo personnel
14 screening and security background investigations as provided
15 in chapter 435, using the level 2 standards for screening set
16 forth in that chapter, as a condition of employment and
17 continued employment. The cost of a personnel screening and
18 security background investigation for an employee of the
19 school shall be paid by the school. The cost of such a
20 screening and investigation for an applicant for employment
21 may be paid by the school.

22 (b) As a prerequisite for initial and continuing
23 employment at the Florida School for the Deaf and the Blind:

24 1. The applicant or employee shall submit to the
25 Florida School for the Deaf and the Blind a complete set of
26 fingerprints taken by an authorized law enforcement agency or
27 an employee of the Florida School for the Deaf and the Blind
28 who is trained to take fingerprints. The Florida School for
29 the Deaf and the Blind shall submit the fingerprints to the
30 Department of Law Enforcement for state processing and the
31 Federal Bureau of Investigation for federal processing.

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1 2.a. The applicant or employee shall attest to the
2 minimum standards for good moral character as contained in
3 chapter 435, using the level 2 standards set forth in that
4 chapter under penalty of perjury.

5 b. New personnel shall be on a probationary status
6 pending a determination of compliance with such minimum
7 standards for good moral character. This paragraph is in
8 addition to any probationary status provided for by Florida
9 law or Florida School for the Deaf and the Blind rules or
10 collective bargaining contracts.

11 3. The Florida School for the Deaf and the Blind shall
12 review the record of the applicant or employee with respect to
13 the crimes contained in s. 435.04 and shall notify the
14 applicant or employee of its findings. When disposition
15 information is missing on a criminal record, it shall be the
16 responsibility of the applicant or employee, upon request of
17 the Florida School for the Deaf and the Blind, to obtain and
18 supply within 30 days the missing disposition information to
19 the Florida School for the Deaf and the Blind. Failure to
20 supply missing information within 30 days or to show
21 reasonable efforts to obtain such information shall result in
22 automatic disqualification of an applicant and automatic
23 termination of an employee.

24 4. After an initial personnel screening and security
25 background investigation, written notification shall be given
26 to the affected employee within a reasonable time prior to any
27 subsequent screening and investigation.

28 (c) The Florida School for the Deaf and the Blind may
29 grant exemptions from disqualification as provided in s.
30 435.07.

31 (d) The Florida School for the Deaf and the Blind may

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1 not use the criminal records, private investigator findings,
2 or information reference checks obtained by the school
3 pursuant to this section for any purpose other than
4 determining if a person meets the minimum standards for good
5 moral character for personnel employed by the school. The
6 criminal records, private investigator findings, and
7 information from reference checks obtained by the Florida
8 School for the Deaf and the Blind for determining the moral
9 character of employees of the school are confidential and
10 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
11 I of the State Constitution.

12 (e) It is a misdemeanor of the first degree,
13 punishable as provided in s. 775.082 or s. 775.083, for any
14 person willfully, knowingly, or intentionally to:

15 1. Fail, by false statement, misrepresentation,
16 impersonation, or other fraudulent means, to disclose in any
17 application for voluntary or paid employment a material fact
18 used in making a determination as to such person's
19 qualifications for a position of special trust.

20 2. Use the criminal records, private investigator
21 findings, or information from reference checks obtained under
22 this section or information obtained from such records or
23 findings for purposes other than screening for employment or
24 release such information or records to persons for purposes
25 other than screening for employment.

26 (f) For the purpose of teacher certification, the
27 Florida School for the Deaf and the Blind shall be considered
28 a school district.

29 (8) CAMPUS POLICE.--

30 (a) The Board of Trustees for the Florida School for
31 the Deaf and the Blind is permitted and empowered to employ

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1 police officers for the school, who must be designated Florida
2 School for the Deaf and the Blind campus police.

3 (b) Each Florida School for the Deaf and the Blind
4 campus police officer is a law enforcement officer of the
5 state and a conservator of the peace who has the authority to
6 arrest, in accordance with the laws of this state, any person
7 for a violation of state law or applicable county or municipal
8 ordinance if that violation occurs on or in any property or
9 facilities of the school. A campus police officer may also
10 arrest a person off campus for a violation committed on campus
11 after a hot pursuit of that person which began on campus. A
12 campus police officer shall have full authority to bear arms
13 in the performance of the officer's duties and carry out a
14 search pursuant to a search warrant on the campus. Florida
15 School for the Deaf and the Blind campus police, upon request
16 of the sheriff or local police authority, may serve subpoenas
17 or other legal process and may make arrests of persons against
18 whom arrest warrants have been issued or against whom charges
19 have been made for violations of federal or state laws or
20 county or municipal ordinances.

21 (c) The campus police shall promptly deliver all
22 persons arrested and charged with felonies to the sheriff of
23 the county within which the school is located and all persons
24 arrested and charged with misdemeanors to the applicable
25 authority as provided by law, but otherwise to the sheriff of
26 the county in which the school is located.

27 (d) The campus police must meet the minimum standards
28 established by the Criminal Justice Standards and Training
29 Commission of the Department of Law Enforcement and chapter
30 943 for law enforcement officers. Each campus police officer
31 must, before entering into the performance of the officer's

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1 duties, take the oath of office established by the board of
2 trustees. The board of trustees may obtain and approve a bond
3 on each campus police officer, conditioned upon the officer's
4 faithful performance of the officer's duties, which bond must
5 be payable to the Governor. The board of trustees may
6 determine the amount of the bond. In determining the amount of
7 the bond, the board may consider the amount of money or
8 property likely to be in the custody of the officer at any one
9 time. The board of trustees must provide a uniform set of
10 identifying credentials to each campus police officer it
11 employs.

12 (e) In performance of any of the powers, duties, and
13 functions authorized by law, campus police have the same
14 rights, protections, and immunities afforded other law
15 enforcement officers.

16 (f) The board of trustees shall adopt rules,
17 including, without limitation, rules for the appointment,
18 employment, and removal of campus police in accordance with
19 the State Career Service System and shall establish in writing
20 a policy manual, that includes, without limitation, procedures
21 for managing routine law enforcement situations and emergency
22 law enforcement situations. The board of trustees shall
23 furnish a copy of the policy manual to each of the campus
24 police officers it employs. A campus police officer appointed
25 by the board of trustees must have completed the training
26 required by the school in the special needs and proper
27 procedures for dealing with students served by the school.

28 (9) REPORT OF CAMPUS CRIME STATISTICS.--

29 (a) The school shall prepare an annual report of
30 statistics of crimes committed on its campus and shall submit
31 the report to the board of trustees and the Commissioner of

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1 Education. The data for these reports may be taken from the
2 annual report of the Department of Law Enforcement. The board
3 of trustees shall prescribe the form for submission of these
4 reports.

5 (b) The school shall prepare annually a report of
6 statistics of crimes committed on its campus for the preceding
7 3 years. The school shall give students and prospective
8 students notice that this report is available upon request.

9 Section 102. Section 1002.37, Florida Statutes, is
10 created to read:

11 1002.37 The Florida Virtual School.--

12 (1)(a) The Florida Virtual School is established for
13 the development and delivery of on-line and distance learning
14 education and shall be administratively housed within the
15 Commissioner of Education's Office of Technology and
16 Information Services. The Commissioner of Education shall
17 monitor the school's performance and report its performance to
18 the State Board of Education and the Legislature.

19 (b) The mission of the Florida Virtual School is to
20 provide students with technology-based educational
21 opportunities to gain the knowledge and skills necessary to
22 succeed. The school shall serve any student in the state who
23 meets the profile for success in this educational delivery
24 context and shall give priority to:

25 1. Students who need expanded access to courses in
26 order to meet their educational goals, such as home education
27 students and students in inner-city and rural high schools who
28 do not have access to higher-level courses.

29 2. Students seeking accelerated access in order to
30 obtain a high school diploma at least one semester early.

31 (c) To ensure students are informed of the

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1 opportunities offered by the Florida Virtual School, the
2 commissioner shall provide the board of trustees of the
3 Florida Virtual School access to the records of public school
4 students in a format prescribed by the board of trustees.

5
6 The board of trustees of the Florida Virtual School shall
7 identify appropriate performance measures and standards based
8 on student achievement that reflect the school's statutory
9 mission and priorities, and shall implement an accountability
10 system for the school that includes assessment of its
11 effectiveness and efficiency in providing quality services
12 that encourage high student achievement, seamless
13 articulation, and maximum access.

14 (2) The Florida Virtual School shall be governed by a
15 board of trustees comprised of seven members appointed by the
16 Governor to 4-year staggered terms. The board of trustees
17 shall be a public agency entitled to sovereign immunity
18 pursuant to s. 768.28, and board members shall be public
19 officers who shall bear fiduciary responsibility for the
20 Florida Virtual School. The board of trustees shall have the
21 following powers and duties:

22 (a)1. The board of trustees shall meet at least 4
23 times each year, upon the call of the chair, or at the request
24 of a majority of the membership.

25 2. The fiscal year for the Florida Virtual School
26 shall be the state fiscal year as provided in s.
27 216.011(1)(o).

28 (b) The board of trustees shall be responsible for the
29 Florida Virtual School's development of a state-of-the-art
30 technology-based education delivery system that is
31 cost-effective, educationally sound, marketable, and capable

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1 of sustaining a self-sufficient delivery system through the
2 Florida Education Finance Program, by fiscal year 2003-2004.
3 The school shall collect and report data for all students
4 served and credit awarded. This data shall be segregated by
5 private, public, and home education students by program.
6 Information shall also be collected that reflects any other
7 school in which a virtual school student is enrolled.

8 (c) The board of trustees shall aggressively seek
9 avenues to generate revenue to support its future endeavors,
10 and shall enter into agreements with distance learning
11 providers. The board of trustees may acquire, enjoy, use, and
12 dispose of patents, copyrights, and trademarks and any
13 licenses and other rights or interests thereunder or therein.
14 Ownership of all such patents, copyrights, trademarks,
15 licenses, and rights or interests thereunder or therein shall
16 vest in the state, with the board of trustees having full
17 right of use and full right to retain the revenues derived
18 therefrom. Any funds realized from patents, copyrights,
19 trademarks, or licenses shall be used to support the school's
20 marketing and research and development activities in order to
21 improve courseware and services to its students.

22 (d) The board of trustees shall annually prepare and
23 submit to the State Board of Education a legislative budget
24 request, including funding requests for computers for public
25 school students who do not have access to public school
26 computers, in accordance with chapter 216 and s. 1013.60. The
27 legislative budget request of the Florida Virtual School shall
28 be prepared using the same format, procedures, and timelines
29 required for the submission of the legislative budget of the
30 Department of Education. Nothing in this section shall be
31 construed to guarantee a computer to any individual student.

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1 (e) In accordance with law and rules of the State
2 Board of Education, the board of trustees shall administer and
3 maintain personnel programs for all employees of the board of
4 trustees and the Florida Virtual School. The board of trustees
5 may adopt rules, policies, and procedures related to the
6 appointment, employment, and removal of personnel.

7 1. The board of trustees shall determine the
8 compensation, including salaries and fringe benefits, and
9 other conditions of employment for such personnel.

10 2. The board of trustees may establish and maintain a
11 personnel loan or exchange program by which persons employed
12 by the board of trustees for the Florida Virtual School as
13 academic administrative and instructional staff may be loaned
14 to, or exchanged with persons employed in like capacities by,
15 public agencies either within or without this state, or by
16 private industry. With respect to public agency employees, the
17 program authorized by this subparagraph shall be consistent
18 with the requirements of part II of chapter 112. The salary
19 and benefits of board of trustees personnel participating in
20 the loan or exchange program shall be continued during the
21 period of time they participate in a loan or exchange program,
22 and such personnel shall be deemed to have no break in
23 creditable or continuous service or employment during such
24 time. The salary and benefits of persons participating in the
25 personnel loan or exchange program who are employed by public
26 agencies or private industry shall be paid by the originating
27 employers of those participants, and such personnel shall be
28 deemed to have no break in creditable or continuous service or
29 employment during such time.

30 3. The employment of all Florida Virtual School
31 academic administrative and instructional personnel shall be

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1 subject to rejection for cause by the board of trustees, and
2 shall be subject to policies of the board of trustees relative
3 to certification, tenure, leaves of absence, sabbaticals,
4 remuneration, and such other conditions of employment as the
5 board of trustees deems necessary and proper, not inconsistent
6 with law.

7 4. Each person employed by the board of trustees in an
8 academic administrative or instructional capacity with the
9 Florida Virtual School shall be entitled to a contract as
10 provided by rules of the board of trustees.

11 5. All employees except temporary, seasonal, and
12 student employees may be state employees for the purpose of
13 being eligible to participate in the Florida Retirement System
14 and receive benefits. The classification and pay plan,
15 including terminal leave and other benefits, and any
16 amendments thereto, shall be subject to review and approval by
17 the Department of Management Services and the Executive Office
18 of the Governor prior to adoption. In the event that the board
19 of trustees assumes responsibility for governance pursuant to
20 this section before approval is obtained, employees shall be
21 compensated pursuant to the system in effect for the employees
22 of the fiscal agent.

23 (f) The board of trustees shall establish priorities
24 for admission of students in accordance with paragraph (1)(b).

25 (g) The board of trustees shall establish and
26 distribute to all school districts and high schools in the
27 state procedures for enrollment of students in courses offered
28 by the Florida Virtual School. Such procedures shall be
29 designed to minimize paperwork and fairly resolve the issue of
30 double funding students taking courses online.

31 (h) The board of trustees shall annually submit to the

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1 State Board of Education both forecasted and actual
2 enrollments for the Florida Virtual School, according to
3 procedures established by the State Board of Education. At a
4 minimum, such procedures must include the number of public,
5 private, and home education students served by district.
6 (i) The board of trustees shall provide for the
7 content and custody of student and employee personnel records.
8 Student records shall be subject to the provisions of s.
9 1002.22. Employee records shall be subject to the provisions
10 of s. 1012.31.
11 (j) The financial records and accounts of the Florida
12 Virtual School shall be maintained under the direction of the
13 board of trustees and under rules adopted by the State Board
14 of Education for the uniform system of financial records and
15 accounts for the schools of the state.
16
17 The Governor shall designate the initial chair of the board of
18 trustees to serve a term of 4 years. Members of the board of
19 trustees shall serve without compensation, but may be
20 reimbursed for per diem and travel expenses pursuant to s.
21 112.061. The board of trustees shall be a body corporate with
22 all the powers of a body corporate and such authority as is
23 needed for the proper operation and improvement of the Florida
24 Virtual School. The board of trustees is specifically
25 authorized to adopt rules, policies, and procedures,
26 consistent with law and rules of the State Board of Education
27 related to governance, personnel, budget and finance,
28 administration, programs, curriculum and instruction, travel
29 and purchasing, technology, students, contracts and grants,
30 and property as necessary for optimal, efficient operation of
31 the Florida Virtual School. Tangible personal property owned

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1 by the board of trustees shall be subject to the provisions of
2 chapter 273.

3 (3)(a) Until fiscal year 2003-2004, the Commissioner
4 of Education shall include the Florida Virtual School as a
5 grant-in-aid appropriation in the department's legislative
6 budget request to the State Board of Education, the Governor,
7 and the Legislature, subject to any guidelines imposed in the
8 General Appropriations Act.

9 (b) The Orange County District School Board shall be
10 the temporary fiscal agent of the Florida Virtual School.

11 (4) Under no circumstance may the credit of the state
12 be pledged on behalf of the Florida Virtual School.

13 (5) The board of trustees shall annually submit to the
14 Governor, the Legislature, the Commissioner of Education, and
15 the State Board of Education a complete and detailed report
16 setting forth:

17 (a) The operations and accomplishments of the Florida
18 Virtual School.

19 (b) The marketing and operational plan for the Florida
20 Virtual School, including recommendations regarding methods
21 for improving the delivery of education through the Internet
22 and other distance learning technology.

23 (c) The assets and liabilities of the Florida Virtual
24 School at the end of the fiscal year.

25 (d) A copy of an annual financial audit of the
26 accounts and records of the Florida Virtual School, conducted
27 by an independent certified public accountant and performed in
28 accordance with rules adopted by the Auditor General.

29 (e) Recommendations regarding the unit cost of
30 providing services to students. In order to most effectively
31 develop public policy regarding any future funding of the

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1 Florida Virtual School, it is imperative that the cost of the
2 program is accurately identified. The identified cost of the
3 program must be based on reliable data.

4 (f) Recommendations regarding an accountability
5 mechanism to assess the effectiveness of the services provided
6 by the Florida Virtual School.

7 (6) The State Board of Education may adopt rules it
8 deems necessary to implement reporting requirements for the
9 Florida Virtual School.

10 Section 103. Section 1002.38, Florida Statutes, is
11 created to read:

12 1002.38 Opportunity Scholarship Program.--

13 (1) FINDINGS AND INTENT.--The purpose of this section
14 is to provide enhanced opportunity for students in this state
15 to gain the knowledge and skills necessary for postsecondary
16 education, a technical education, or the world of work. The
17 Legislature recognizes that the voters of the State of
18 Florida, in the November 1998 general election, amended s. 1,
19 Art. IX of the Florida Constitution so as to make education a
20 paramount duty of the state. The Legislature finds that the
21 State Constitution requires the state to provide a uniform,
22 safe, secure, efficient, and high-quality system which allows
23 the opportunity to obtain a high-quality education. The
24 Legislature further finds that a student should not be
25 compelled, against the wishes of the student's parent, to
26 remain in a school found by the state to be failing for 2
27 years in a 4-year period. The Legislature shall make available
28 opportunity scholarships in order to give parents the
29 opportunity for their children to attend a public school that
30 is performing satisfactorily or to attend an eligible private
31 school when the parent chooses to apply the equivalent of the

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1 public education funds generated by his or her child to the
2 cost of tuition in the eligible private school as provided in
3 paragraph (6)(a). Eligibility of a private school shall
4 include the control and accountability requirements that,
5 coupled with the exercise of parental choice, are reasonably
6 necessary to secure the educational public purpose, as
7 delineated in subsection (4).

8 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public
9 school student's parent may request and receive from the state
10 an opportunity scholarship for the student to enroll in and
11 attend a private school in accordance with the provisions of
12 this section if:

13 (a)1. By assigned school attendance area or by special
14 assignment, the student has spent the prior school year in
15 attendance at a public school that has been designated
16 pursuant to s. 1008.34 as performance grade category "F,"
17 failing to make adequate progress, and that has had two school
18 years in a 4-year period of such low performance, and the
19 student's attendance occurred during a school year in which
20 such designation was in effect;

21 2. The student has been in attendance elsewhere in the
22 public school system and has been assigned to such school for
23 the next school year; or

24 3. The student is entering kindergarten or first grade
25 and has been notified that the student has been assigned to
26 such school for the next school year.

27 (b) The parent has obtained acceptance for admission
28 of the student to a private school eligible for the program
29 pursuant to subsection (4), and has notified the Department of
30 Education and the school district of the request for an
31 opportunity scholarship no later than July 1 of the first year

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1 in which the student intends to use the scholarship.
2
3 The provisions of this section shall not apply to a student
4 who is enrolled in a school operating for the purpose of
5 providing educational services to youth in Department of
6 Juvenile Justice commitment programs. For purposes of
7 continuity of educational choice, the opportunity scholarship
8 shall remain in force until the student returns to a public
9 school or, if the student chooses to attend a private school
10 the highest grade of which is grade 8, until the student
11 matriculates to high school and the public high school to
12 which the student is assigned is an accredited school with a
13 performance grade category designation of "C" or better.
14 However, at any time upon reasonable notice to the Department
15 of Education and the school district, the student's parent may
16 remove the student from the private school and place the
17 student in a public school, as provided in subparagraph
18 (3)(a)2.
19 (3) SCHOOL DISTRICT OBLIGATIONS.--
20 (a) A school district shall, for each student enrolled
21 in or assigned to a school that has been designated as
22 performance grade category "F" for 2 school years in a 4-year
23 period:
24 1. Timely notify the parent of the student as soon as
25 such designation is made of all options available pursuant to
26 this section.
27 2. Offer that student's parent an opportunity to
28 enroll the student in the public school within the district
29 that has been designated by the state pursuant to s. 1008.34
30 as a school performing higher than that in which the student
31 is currently enrolled or to which the student has been

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1 assigned, but not less than performance grade category "C."
2 The parent is not required to accept this offer in lieu of
3 requesting a state opportunity scholarship to a private
4 school. The opportunity to continue attending the higher
5 performing public school shall remain in force until the
6 student graduates from high school.

7 (b) The parent of a student enrolled in or assigned to
8 a school that has been designated performance grade category
9 "F" for 2 school years in a 4-year period may choose as an
10 alternative to enroll the student in and transport the student
11 to a higher-performing public school that has available space
12 in an adjacent school district, and that school district shall
13 accept the student and report the student for purposes of the
14 district's funding pursuant to the Florida Education Finance
15 Program.

16 (c) For students in the school district who are
17 participating in the state Opportunity Scholarship Program,
18 the school district shall provide locations and times to take
19 all statewide assessments required pursuant to s. 1008.22.

20 (d) Students with disabilities who are eligible to
21 receive services from the school district under federal or
22 state law, and who participate in this program, remain
23 eligible to receive services from the school district as
24 provided by federal or state law.

25 (e) If for any reason a qualified private school is
26 not available for the student or if the parent chooses to
27 request that the student be enrolled in the higher performing
28 public school, rather than choosing to request the state
29 opportunity scholarship, transportation costs to the higher
30 performing public school shall be the responsibility of the
31 school district. The district may utilize state categorical

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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

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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 (b) The parent of each student participating in the

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1 Opportunity Scholarship Program must comply fully with the
2 private school's parental involvement requirements, unless
3 excused by the school for illness or other good cause.

4 (c) The parent shall ensure that the student
5 participating in the Opportunity Scholarship Program takes all
6 statewide assessments required pursuant to s. 1008.22.

7 (d) A participant who fails to comply with this
8 subsection shall forfeit the opportunity scholarship.

9 (6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.--

10 (a) The maximum opportunity scholarship granted for an
11 eligible student shall be a calculated amount equivalent to
12 the base student allocation in the Florida Education Finance
13 Program multiplied by the appropriate cost factor for the
14 educational program that would have been provided for the
15 student in the district school to which he or she was
16 assigned, multiplied by the district cost differential. In
17 addition, the calculated amount shall include the per-student
18 share of instructional materials funds, technology funds, and
19 other categorical funds as provided for this purpose in the
20 General Appropriations Act.

21 (b) The amount of the opportunity scholarship shall be
22 the calculated amount or the amount of the private school's
23 tuition and fees, whichever is less. Fees eligible shall
24 include textbook fees, lab fees, and other fees related to
25 instruction, including transportation.

26 (c) The school district shall report all students who
27 are attending a private school under this program. The
28 students attending private schools on opportunity scholarships
29 shall be reported separately from those students reported for
30 purposes of the Florida Education Finance Program.

31 (d) The public or private school that provides

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1 services to students with disabilities shall receive the
2 weighted funding for such services at the appropriate funding
3 level consistent with the provisions of s. 1011.62(1)(e).

4 (e) For purposes of calculating the opportunity
5 scholarship, a student will be eligible for the amount of the
6 appropriate basic cost factor if:

7 1. The student currently participates in a Group I
8 program funded at the basic cost factor and is not
9 subsequently identified as having a disability; or

10 2. The student currently participates in a Group II
11 program and the parent has chosen a private school that does
12 not provide the additional services funded by the Group II
13 program.

14 (f) Following annual notification on July 1 of the
15 number of participants, the Department of Education shall
16 transfer from each school district's appropriated funds the
17 calculated amount from the Florida Education Finance Program
18 and authorized categorical accounts to a separate account for
19 the Opportunity Scholarship Program for quarterly disbursement
20 to the parents of participating students.

21 (g) Upon proper documentation reviewed and approved by
22 the Department of Education, the Comptroller shall make
23 opportunity scholarship payments in four equal amounts no
24 later than September 1, November 1, February 1, and April 1 of
25 each academic year in which the opportunity scholarship is in
26 force. The initial payment shall be made after Department of
27 Education verification of admission acceptance, and subsequent
28 payments shall be made upon verification of continued
29 enrollment and attendance at the private school. Payment must
30 be by individual warrant made payable to the student's parent
31 and mailed by the Department of Education to the private

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1 school of the parent's choice, and the parent shall
2 restrictively endorse the warrant to the private school.

3 (7) LIABILITY.--No liability shall arise on the part
4 of the state based on any grant or use of an opportunity
5 scholarship.

6 (8) RULES.--The State Board of Education may adopt
7 rules pursuant to ss. 120.536(1) and 120.54 to implement the
8 provisions of this section. Rules shall include penalties for
9 noncompliance with subsections (3) and (5). However, the
10 inclusion of eligible private schools within options available
11 to Florida public school students does not expand the
12 regulatory authority of the state, its officers, or any school
13 district to impose any additional regulation of private
14 schools beyond those reasonably necessary to enforce
15 requirements expressly set forth in this section.

16 Section 104. Section 1002.39, Florida Statutes, is
17 created to read:

18 1002.39 The John M. McKay Scholarships for Students
19 with Disabilities Program.--There is established a program
20 that is separate and distinct from the Opportunity Scholarship
21 Program and is named the John M. McKay Scholarships for
22 Students with Disabilities Program, pursuant to this section.

23 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
24 DISABILITIES PROGRAM.--The John M. McKay Scholarships for
25 Students with Disabilities Program is established to provide
26 the option to attend a public school other than the one to
27 which assigned, or to provide a scholarship to a private
28 school of choice, for students with disabilities for whom an
29 individual education plan has been written in accordance with
30 rules of the State Board of Education. Students with
31 disabilities include K-12 students who are mentally

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1 handicapped, speech and language impaired, deaf or hard of
2 hearing, visually impaired, dual sensory impaired, physically
3 impaired, emotionally handicapped, specific learning disabled,
4 hospitalized or homebound, or autistic.

5 (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public
6 school student with a disability who is dissatisfied with the
7 student's progress may request and receive from the state a
8 John M. McKay Scholarship for the child to enroll in and
9 attend a private school in accordance with this section if:

10 (a) By assigned school attendance area or by special
11 assignment, the student has spent the prior school year in
12 attendance at a Florida public school. Prior school year in
13 attendance means that the student was enrolled and reported by
14 a school district for funding during the preceding October and
15 February Florida Education Finance Program surveys in
16 kindergarten through grade 12.

17 (b) The parent has obtained acceptance for admission
18 of the student to a private school that is eligible for the
19 program under subsection (4) and has notified the school
20 district of the request for a scholarship at least 60 days
21 prior to the date of the first scholarship payment. The
22 parental notification must be through a communication directly
23 to the district or through the Department of Education to the
24 district in a manner that creates a written or electronic
25 record of the notification and the date of receipt of the
26 notification.

27
28 This section does not apply to a student who is enrolled in a
29 school operating for the purpose of providing educational
30 services to youth in Department of Juvenile Justice commitment
31 programs. For purposes of continuity of educational choice,

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1 the scholarship shall remain in force until the student
2 returns to a public school or graduates from high school.
3 However, at any time, the student's parent may remove the
4 student from the private school and place the student in
5 another private school that is eligible for the program under
6 subsection (4) or in a public school as provided in subsection
7 (3).

8 (3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION
9 OBLIGATIONS.--

10 (a) A school district shall timely notify the parent
11 of the student of all options available pursuant to this
12 section and offer that student's parent an opportunity to
13 enroll the student in another public school within the
14 district. The parent is not required to accept this offer in
15 lieu of requesting a John M. McKay Scholarship to a private
16 school. However, if the parent chooses the public school
17 option, the student may continue attending a public school
18 chosen by the parent until the student graduates from high
19 school. If the parent chooses a public school consistent with
20 the district school board's choice plan under s. 1002.31, the
21 school district shall provide transportation to the public
22 school selected by the parent. The parent is responsible to
23 provide transportation to a public school chosen that is not
24 consistent with the district school board's choice plan under
25 s. 1002.31.

26 (b) For a student with disabilities who does not have
27 a matrix of services under s. 1011.62(1)(e), the school
28 district must complete a matrix that assigns the student to
29 one of the levels of service as they existed prior to the
30 2000-2001 school year. The school district must complete the
31 matrix of services for any student who is participating in the

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1 John M. McKay Scholarships for Students with Disabilities
2 Program and must notify the Department of Education of the
3 student's matrix level within 30 days after receiving
4 notification by the student's parent of intent to participate
5 in the scholarship program. The Department of Education shall
6 notify the private school of the amount of the scholarship
7 within 10 days after receiving the school district's
8 notification of the student's matrix level. Within 10 school
9 days after it receives notification of a parent's intent to
10 apply for a McKay Scholarship, a district school board must
11 notify the student's parent if the matrix has not been
12 completed and provide the parent with the date for completion
13 of the matrix required in this paragraph.

14 (c) If the parent chooses the private school option
15 and the student is accepted by the private school pending the
16 availability of a space for the student, the parent of the
17 student must notify the school district 60 days prior to the
18 first scholarship payment and before entering the private
19 school in order to be eligible for the scholarship when a
20 space becomes available for the student in the private school.

21 (d) The parent of a student may choose, as an
22 alternative, to enroll the student in and transport the
23 student to a public school in an adjacent school district
24 which has available space and has a program with the services
25 agreed to in the student's individual education plan already
26 in place, and that school district shall accept the student
27 and report the student for purposes of the district's funding
28 pursuant to the Florida Education Finance Program.

29 (e) For a student in the district who participates in
30 the John M. McKay Scholarships for Students with Disabilities
31 Program whose parent requests that the student take the

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1 statewide assessments under s. 1008.22, the district shall
2 provide locations and times to take all statewide assessments.

3 (f) A school district must notify the Department of
4 Education within 10 days after it receives notification of a
5 parent's intent to apply for a scholarship for a student with
6 a disability. A school district must provide the student's
7 parent with the student's matrix level within 10 school days
8 after its completion.

9 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
10 participate in the John M. McKay Scholarships for Students
11 with Disabilities Program, a private school must be a Florida
12 private school, may be sectarian or nonsectarian, and must:

13 (a) Demonstrate fiscal soundness by being in operation
14 for 1 school year or provide the Department of Education with
15 a statement by a certified public accountant confirming that
16 the private school desiring to participate is insured and the
17 owner or owners have sufficient capital or credit to operate
18 the school for the upcoming year serving the number of
19 students anticipated with expected revenues from tuition and
20 other sources that may be reasonably expected. In lieu of such
21 a statement, a surety bond or letter of credit for the amount
22 equal to the scholarship funds for any quarter may be filed
23 with the department.

24 (b) Notify the Department of Education of its intent
25 to participate in the program under this section. The notice
26 must specify the grade levels and services that the private
27 school has available for students with disabilities who are
28 participating in the scholarship program.

29 (c) Comply with the antidiscrimination provisions of
30 42 U.S.C. s. 2000d.

31 (d) Meet state and local health and safety laws and

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1 codes.

2 (e) Be academically accountable to the parent for
3 meeting the educational needs of the student.

4 (f) Employ or contract with teachers who hold
5 baccalaureate or higher degrees, or have at least 3 years of
6 teaching experience in public or private schools, or have
7 special skills, knowledge, or expertise that qualifies them to
8 provide instruction in subjects taught.

9 (g) Comply with all state laws relating to general
10 regulation of private schools.

11 (h) Adhere to the tenets of its published disciplinary
12 procedures prior to the expulsion of a scholarship student.

13 (5) OBLIGATION OF PROGRAM PARTICIPANTS.--

14 (a) A parent who applies for a John M. McKay
15 Scholarship is exercising his or her parental option to place
16 his or her child in a private school. The parent must select
17 the private school and apply for the admission of his or her
18 child.

19 (b) The parent must have requested the scholarship at
20 least 60 days prior to the date of the first scholarship
21 payment.

22 (c) Any student participating in the scholarship
23 program must remain in attendance throughout the school year,
24 unless excused by the school for illness or other good cause,
25 and must comply fully with the school's code of conduct.

26 (d) The parent of each student participating in the
27 scholarship program must comply fully with the private
28 school's parental involvement requirements, unless excused by
29 the school for illness or other good cause.

30 (e) If the parent requests that the student
31 participating in the scholarship program take all statewide

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1 assessments required pursuant to s. 1008.22, the parent is
2 responsible for transporting the student to the assessment
3 site designated by the school district.

4 (f) Upon receipt of a scholarship warrant, the parent
5 to whom the warrant is made must restrictively endorse the
6 warrant to the private school for deposit into the account of
7 the private school.

8 (g) A participant who fails to comply with this
9 subsection forfeits the scholarship.

10 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

11 (a)1. The maximum scholarship granted for an eligible
12 student with disabilities shall be a calculated amount
13 equivalent to the base student allocation in the Florida
14 Education Finance Program multiplied by the appropriate cost
15 factor for the educational program that would have been
16 provided for the student in the district school to which he or
17 she was assigned, multiplied by the district cost
18 differential.

19 2. In addition, a share of the guaranteed allocation
20 for exceptional students shall be determined and added to the
21 calculated amount. The calculation shall be based on the
22 methodology and the data used to calculate the guaranteed
23 allocation for exceptional students for each district in
24 chapter 2000-166, Laws of Florida. Except as provided in
25 subparagraph 3., the calculation shall be based on the
26 student's grade, matrix level of services, and the difference
27 between the 2000-2001 basic program and the appropriate level
28 of services cost factor, multiplied by the 2000-2001 base
29 student allocation and the 2000-2001 district cost
30 differential for the sending district. Also, the calculated
31 amount shall include the per-student share of supplemental

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1 academic instruction funds, instructional materials funds,
2 technology funds, and other categorical funds as provided for
3 such purposes in the General Appropriations Act.

4 3. Until the school district completes the matrix
5 required by paragraph (3)(b), the calculation shall be based
6 on the matrix that assigns the student to support level I of
7 service as it existed prior to the 2000-2001 school year.

8 When the school district completes the matrix, the amount of
9 the payment shall be adjusted as needed.

10 (b) The amount of the John M. McKay Scholarship shall
11 be the calculated amount or the amount of the private school's
12 tuition and fees, whichever is less. The amount of any
13 assessment fee required by the participating private school
14 may be paid from the total amount of the scholarship.

15 (c) If the participating private school requires
16 partial payment of tuition prior to the start of the academic
17 year to reserve space for students admitted to the school,
18 that partial payment may be paid by the Department of
19 Education prior to the first quarterly payment of the year in
20 which the John M. McKay Scholarship is awarded, up to a
21 maximum of \$1,000, and deducted from subsequent scholarship
22 payments. If a student decides not to attend the participating
23 private school, the partial reservation payment must be
24 returned to the Department of Education by the participating
25 private school. There is a limit of one reservation payment
26 per student per year.

27 (d) The school district shall report all students who
28 are attending a private school under this program. The
29 students with disabilities attending private schools on John
30 M. McKay Scholarships shall be reported separately from other
31 students reported for purposes of the Florida Education

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1 Finance Program.

2 (e) Following notification on July 1, September 1,
3 December 1, or February 1 of the number of program
4 participants, the Department of Education shall transfer, from
5 General Revenue funds only, the amount calculated under
6 paragraph (b) from the school district's total funding
7 entitlement under the Florida Education Finance Program and
8 from authorized categorical accounts to a separate account for
9 the scholarship program for quarterly disbursement to the
10 parents of participating students. When a student enters the
11 scholarship program, the Department of Education must receive
12 all documentation required for the student's participation,
13 including the private school's and student's fee schedules, at
14 least 30 days before the first quarterly scholarship payment
15 is made for the student. The Department of Education may not
16 make any retroactive payments.

17 (f) Upon proper documentation reviewed and approved by
18 the Department of Education, the Comptroller shall make
19 scholarship payments in four equal amounts no later than
20 September 1, November 1, February 1, and April 15 of each
21 academic year in which the scholarship is in force. The
22 initial payment shall be made after Department of Education
23 verification of admission acceptance, and subsequent payments
24 shall be made upon verification of continued enrollment and
25 attendance at the private school. Payment must be by
26 individual warrant made payable to the student's parent and
27 mailed by the Department of Education to the private school of
28 the parent's choice, and the parent shall restrictively
29 endorse the warrant to the private school for deposit into the
30 account of the private school.

31 (7) LIABILITY.--No liability shall arise on the part

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1 of the state based on the award or use of a John M. McKay
2 Scholarship.

3 (8) RULES.--The State Board of Education may adopt
4 rules pursuant to ss. 120.536(1) and 120.54 to administer this
5 section. However, the inclusion of eligible private schools
6 within options available to Florida public school students
7 does not expand the regulatory authority of the state, its
8 officers, or any school district to impose any additional
9 regulation of private schools beyond those reasonably
10 necessary to enforce requirements expressly set forth in this
11 section.

12 Section 105. Part IV of chapter 1002, Florida
13 Statutes, shall be entitled "Home Education, Private Schools,
14 Other Education Options" and shall consist of ss.
15 1002.41-1002.43.

16 Section 106. Section 1002.41, Florida Statutes, is
17 created to read:

18 1002.41 Home education programs.--

19 (1) A "home education program" is defined in s.
20 1002.01. The parent is not required to hold a valid regular
21 Florida teaching certificate.

22 (a) The parent shall notify the district school
23 superintendent of the county in which the parent resides of
24 her or his intent to establish and maintain a home education
25 program. The notice shall be in writing, signed by the parent,
26 and shall include the names, addresses, and birthdates of all
27 children who shall be enrolled as students in the home
28 education program. The notice shall be filed in the district
29 school superintendent's office within 30 days of the
30 establishment of the home education program. A written notice
31 of termination of the home education program shall be filed in

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1 the district school superintendent's office within 30 days
2 after said termination.

3 (b) The parent shall maintain a portfolio of records
4 and materials. The portfolio shall consist of the following:

5 1. A log of educational activities that is made
6 contemporaneously with the instruction and that designates by
7 title any reading materials used.

8 2. Samples of any writings, worksheets, workbooks, or
9 creative materials used or developed by the student.

10

11 The portfolio shall be preserved by the parent for 2 years and
12 shall be made available for inspection by the district school
13 superintendent, or the district school superintendent's agent,
14 upon 15 days' written notice. Nothing in this section shall
15 require the district school superintendent to inspect the
16 portfolio.

17 (c) The parent shall provide for an annual educational
18 evaluation in which is documented the student's demonstration
19 of educational progress at a level commensurate with her or
20 his ability. The parent shall select the method of evaluation
21 and shall file a copy of the evaluation annually with the
22 district school superintendent's office in the county in which
23 the student resides. The annual educational evaluation shall
24 consist of one of the following:

25 1. A teacher selected by the parent shall evaluate the
26 student's educational progress upon review of the portfolio
27 and discussion with the student. Such teacher shall hold a
28 valid regular Florida certificate to teach academic subjects
29 at the elementary or secondary level;

30 2. The student shall take any nationally normed
31 student achievement test administered by a certified teacher;

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1 3. The student shall take a state student assessment
2 test used by the school district and administered by a
3 certified teacher, at a location and under testing conditions
4 approved by the school district;

5 4. The student shall be evaluated by an individual
6 holding a valid, active license pursuant to the provisions of
7 s. 490.003(7) or (8); or

8 5. The student shall be evaluated with any other valid
9 measurement tool as mutually agreed upon by the district
10 school superintendent of the district in which the student
11 resides and the student's parent.

12 (2) The district school superintendent shall review
13 and accept the results of the annual educational evaluation of
14 the student in a home education program. If the student does
15 not demonstrate educational progress at a level commensurate
16 with her or his ability, the district school superintendent
17 shall notify the parent, in writing, that such progress has
18 not been achieved. The parent shall have 1 year from the date
19 of receipt of the written notification to provide remedial
20 instruction to the student. At the end of the 1-year
21 probationary period, the student shall be reevaluated as
22 specified in paragraph (1)(c). Continuation in a home
23 education program shall be contingent upon the student
24 demonstrating educational progress commensurate with her or
25 his ability at the end of the probationary period.

26 (3) A home education program shall be excluded from
27 meeting the requirements of a school day.

28 (4) Home education students may participate in
29 interscholastic extracurricular student activities in
30 accordance with the provisions of s. 1006.15.

31 (5) Home education students may participate in the

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1 Bright Futures Scholarship Program in accordance with the
2 provisions of ss. 1009.53-1009.539.

3 (6) Home education students may participate in dual
4 enrollment programs in accordance with the provisions of s.
5 1007.27(4) and 1007.271(10).

6 (7) Home education students are eligible for admission
7 to community colleges in accordance with the provisions of s.
8 1007.263.

9 (8) Home education students are eligible for admission
10 to state universities in accordance with the provisions of s.
11 1007.261.

12 (9) Home education program students may receive
13 testing and evaluation services at diagnostic and resource
14 centers, in accordance with the provisions of s. 1006.03.

15 Section 107. Section 1002.42, Florida Statutes, is
16 created to read:

17 1002.42 Private schools.--

18 (1) DEFINITION.--A "private school" is defined in s.
19 1002.01.

20 (2) ANNUAL PRIVATE SCHOOL SURVEY.--

21 (a) The Department of Education shall organize,
22 maintain, and annually update a database of educational
23 institutions within the state coming within the provisions of
24 this section. There shall be included in the database of each
25 institution the name, address, and telephone number of the
26 institution; the type of institution; the names of
27 administrative officers; the enrollment by grade or special
28 group (e.g., career and technical education and exceptional
29 child education); the number of graduates; the number of
30 instructional and administrative personnel; the number of days
31 the school is in session; and such data as may be needed to

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1 meet the provisions of this section and s. 1003.23(2).

2 (b) For the purpose of organizing, maintaining, and
3 updating this database, each private school shall annually
4 execute and file a database survey form on a date designated
5 by the Department of Education which shall include a notarized
6 statement ascertaining that the owner of the private school
7 has complied with the provisions of paragraph (c). For the
8 purpose of this section, "owner" means any individual who is
9 the chief administrative officer of a private school.

10 (c)1. Notwithstanding the provisions of paragraph (h),
11 each person who is an owner or who establishes, purchases, or
12 otherwise becomes an owner of a private school shall, within 5
13 days of assuming ownership of a school, file with the
14 Department of Law Enforcement a complete set of fingerprints
15 for state processing and checking for criminal background. The
16 fingerprints shall be taken by an authorized law enforcement
17 officer or an employee of the school who is trained to take
18 fingerprints. The costs of fingerprinting, criminal records
19 checking, and processing shall be borne by the applicant or
20 private school. The result of the criminal records checking
21 by the Department of Law Enforcement shall be forwarded to the
22 owner of the private school and shall be made available for
23 public inspection in the private school office as soon as it
24 is received.

25 2. It shall be unlawful for a person who has been
26 convicted of a crime involving moral turpitude to own or
27 operate a private school.

28 3. An owner of a private school may require school
29 employees to file a complete set of fingerprints with the
30 Department of Law Enforcement for processing and criminal
31 records checking. Findings from such processing and checking

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1 shall be reported to the owner for use in employment
2 decisions.

3 4. Owners or employees of private schools who have
4 been fingerprinted pursuant to this paragraph, s. 1012.32, or
5 s. 402.3055 shall not be required to be refingerprinted if
6 they have not been unemployed or unassociated with a private
7 school or child care facility for more than 90 days.

8 5. Persons holding a valid Florida teaching
9 certificate who have been fingerprinted pursuant to s. 1012.35
10 shall not be required to comply with the provisions of this
11 paragraph.

12 (d) The data inquiries to be included and answered in
13 the survey required in paragraph (b) shall be limited to
14 matters set forth in paragraph (a). The department shall
15 furnish annually to each school sufficient copies of this
16 form.

17 (e) To ensure completeness and accuracy of the
18 database, each existing private educational institution
19 falling within the provisions of this section shall notify the
20 Department of Education of any change in the name of the
21 institution, the address, or the chief administrative officer.
22 Each new institution shall notify the department of its
23 establishment.

24 (f) Annually, the department shall make accessible to
25 the public data on private education in this state. Such data
26 shall include that collected pursuant to paragraph (a) and
27 from other sources.

28 (g) The failure of any institution to submit the
29 annual database survey form and notarized statement of
30 compliance with the provisions of paragraph (c), as required
31 by this section, shall be judged a misdemeanor and, upon

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1 conviction, proper authorities of such institution shall be
2 subject to a fine not exceeding \$500. Submission of data for
3 a nonexistent school or an institution providing no
4 instruction or training, the purpose of which is to defraud
5 the public, is unlawful and the person or persons responsible
6 commit a misdemeanor of the second degree, punishable as
7 provided in s. 775.082 or s. 775.083. Persons found to be in
8 violation of subparagraph (c)2. commit a misdemeanor of the
9 first degree, punishable as provided in s. 775.082 or s.
10 775.083.

11 (h) It is the intent of the Legislature not to
12 regulate, control, approve, or accredit private educational
13 institutions, but to create a database where current
14 information may be obtained relative to the educational
15 institutions in this state coming within the provisions of
16 this section as a service to the public, to governmental
17 agencies, and to other interested parties. It is not the
18 intent of the Legislature to regulate, control, or monitor,
19 expressly or implicitly, churches, their ministries, or
20 religious instruction, freedoms, or rites. It is the intent
21 of the Legislature that the annual submission of the database
22 survey by a school shall not be used by that school to imply
23 approval or accreditation by the Department of Education.

24 (3) RETENTION OF RECORDS.--

25 (a) As used in this subsection:

26 1. "Defunct private school" means any private school
27 that has terminated the operation of an education or training
28 program, or that has no students in attendance, or that has
29 dissolved as a business entity.

30 2. "Student records" means those records, files,
31 documents, and other materials that contain information

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1 directly related to students that are maintained by a private
2 school or by a person acting for such institution and that are
3 accessible to other professional personnel to facilitate the
4 instruction, guidance, and educational progress of students.
5 Information contained in student records shall be classified
6 as follows:
7 a. Permanent information, which includes verified
8 information of clear educational importance, containing the
9 following: student's full name and any known changes thereto
10 due to marriage or adoption; authenticated birthdate, place of
11 birth, race, and sex; last known address of student; names of
12 student's parents; name and location of last school attended;
13 number of days present and absent; date enrolled; date
14 withdrawn; courses taken and record of achievement; and date
15 of graduation or program achievement.
16 b. Temporary information, which includes verified
17 information subject to change, containing, but not limited to,
18 the following: health information, standardized test scores,
19 honors and activities, personal attributes, work experience,
20 teacher and counselor comments, and special reports.
21 (b) All private schools that become defunct shall
22 transfer all permanent information contained in student
23 records to the district school superintendent of the public
24 school district in which the private school was located; or,
25 if the private school is a member of a private school system
26 or association, such school may transfer such records to the
27 principal office of such system or association, which shall
28 constitute full compliance with this subsection. In the event
29 that such private school system or association becomes
30 defunct, it shall transfer all the permanent information
31 contained in its files to the district school superintendent

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1 of the public school district in which the private school was
2 located.

3 (c) All private schools that become defunct shall
4 notify the Department of Education Office of Private Schools
5 and Home Education Programs of the date of transfer of student
6 records, the location of storage, the custodian of such
7 records, and the number of records to be stored. The
8 department shall act as a clearinghouse and maintain a
9 registry of such transfers of student records.

10 (d) It is not the intent of the Legislature to limit
11 or restrict the use or possession of any student records while
12 a school is operational, but to facilitate access to academic
13 records by former students seeking to continue their education
14 or training after a private school has become defunct.

15 (4) ATTENDANCE RECORDS AND REPORTS.--All officials,
16 teachers, and other employees in parochial, religious,
17 denominational, and private schools shall keep and prepare
18 records in accordance with the provisions of s. 1003.23(2).

19 (5) SCHOOL-ENTRY HEALTH EXAMINATIONS.--The governing
20 authority of each private school shall require students to
21 present a certification of a school-entry health examination
22 in accordance with the provisions of s. 1003.22(1) and (2).

23 (6) IMMUNIZATIONS.--The governing authority of each
24 private school shall require students to present a
25 certification of immunization in accordance with the
26 provisions of s. 1003.22(3)-(11).

27 (7) ATTENDANCE REQUIREMENTS.--Attendance of a student
28 at a private, parochial, religious, or denominational school
29 satisfies the attendance requirements of ss. 1003.01(14) and
30 1003.21(1).

31 (8) ATHLETIC COMPETITION.--A private school may

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1 participate in athletic competition with a public high school
2 in accordance with the provisions of s. 1006.20(1).

3 (9) RECEIPT OF EDUCATIONAL MATERIALS.--The Department
4 of Education may disseminate educational materials and sell
5 copies for educational use to private schools pursuant to s.
6 1006.39.

7 (10) INSTRUCTIONAL MATERIALS.--District school boards
8 may dispose of instructional materials when they become
9 unserviceable or surplus or are no longer on state contract by
10 giving them to a private school in accordance with the
11 provisions of s. 1006.41.

12 (11) DIAGNOSTIC AND RESOURCE CENTERS.--Diagnostic and
13 resource centers may provide testing and evaluation services
14 to private school students in accordance with the provisions
15 of s. 1006.03(3).

16 (12) EXCEPTIONAL EDUCATION SERVICES.--District school
17 boards may provide instruction for an appropriate program of
18 special instruction, facilities, and services for exceptional
19 students through contractual arrangements with approved
20 private schools in accordance with the provisions of s.
21 1003.57.

22 (13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization
23 of private schools that has no fewer than 10 member schools in
24 this state may develop a professional development system to be
25 filed with the Department of Education in accordance with the
26 provisions of s. 1012.98(7).

27 (14) BUS DRIVER TRAINING.--Private school bus drivers
28 may participate in a district school board's bus driver
29 training program, if the district school board makes the
30 program available pursuant to s. 1006.26.

31 (15) POOL PURCHASE OF SCHOOL BUSES.--

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1 (a) Florida private schools that demonstrate a
2 racially nondiscriminatory student admission policy may
3 purchase school buses from the state pool purchase program as
4 authorized in s. 1006.27(1), if the private school meets the
5 following conditions:

6 1. Students in one or more grades, kindergarten
7 through grade 12, are provided an education program by the
8 school and the school has submitted the information required
9 pursuant to this section and the most recent school survey
10 required in subsection (2).

11 2. All conditions of the contracts for purchasing
12 school buses between the Department of Education and the
13 companies involved, including bus specifications, ordering
14 deadlines, delivery period and procedures, and payment
15 requirements, shall be met.

16 3. Purchase orders shall be made out to the
17 appropriate company or companies involved and shall be
18 accompanied by a certified check in the amount of 25 percent
19 of the total cost of the bus or buses as a good faith deposit
20 that the bus or buses will be purchased.

21 4. The remainder of the total cost shall be paid upon
22 delivery of the bus or buses to the representative of the
23 private school receiving the bus or buses, or shall be paid
24 when the company informs the purchaser that the buses are
25 ready for delivery if the purchaser has specified that buses
26 are to be picked up at the company's location. If the chassis
27 and the body are purchased from different companies, the
28 remainder of the chassis' total cost shall be payable upon
29 delivery of the chassis to the body manufacturer.

30 5. If the private school does not meet the obligation
31 stated in subparagraph 4. within 30 calendar days after notice

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1 that the bus is ready for delivery or that the chassis has
2 been delivered to the body manufacturer, the selling company
3 may retain 15 percent of the amount being held by the company
4 as a good faith deposit, and all obligations to the private
5 school may be canceled. When the 15 percent is retained, the
6 company shall return 10 percent of the good faith deposit to
7 the nonpublic school within 15 days of cancellation of the
8 companies' objection.

9 (b) Any bus purchased under this section may not be
10 sold, if still titled as a motor vehicle, within 5 calendar
11 years of the date of the initial Florida title being issued,
12 unless the following conditions are met:

13 1. The bus or buses may be sold only to a Florida
14 public school district or Florida private school. Any such
15 sale during the first 5 years shall be documented to the
16 Department of Education within 15 days after the sale.

17 2. The bus or buses shall be advertised by the private
18 school in one major newspaper located in each of the five
19 regions of the state for 3 consecutive days and a copy of the
20 advertisement and the name of each newspaper shall be sent to
21 the Department of Education before the first day of
22 advertising the bus or buses for sale.

23 3. The bus may not be sold at a profit. The bus shall
24 be depreciated at a rate of 10 percent per calendar year, with
25 the first year starting on the date of issue of the initial
26 title in this state.

27 4. Notwithstanding any other provisions of law and
28 rule regarding purchase of used school buses, the bus may be
29 sold to a public school district if the conditions of
30 subparagraph 3. are met.

31 5. Any public school district or private school

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1 purchasing a bus under the conditions of this subsection must
2 accept the obligations of this subsection, and such shall be
3 entered in the sales contract.

4 (c) Any private school, including the owner or
5 corporation purchasing a bus or buses under the conditions of
6 this section, that does not comply with all the conditions of
7 this section shall not be eligible for future purchases of a
8 school bus under this section.

9 (d) Any private school interested in purchasing a bus
10 under this section shall notify, in writing, the Department of
11 Education. The Department of Education shall send the school
12 the appropriate forms, instructions, and price quotations.

13 (e) Notwithstanding any other provisions of this
14 section, no school bus manufacturer, distributor, or dealer
15 shall be required to violate any dealer contract or franchise
16 agreement entered into before the effective date of this
17 section regarding the sale of its buses.

18 (f) The State Board of Education may adopt rules
19 pursuant to ss. 120.536 and 120.54 necessary to implement this
20 section, maintain the integrity of the school bus pool
21 purchase program, and ensure the best and lowest price for
22 purchasing school buses by the public school districts.

23 Section 108. Section 1002.43, Florida Statutes, is
24 created to read:

25 1002.43 Private tutoring programs.--

26 (1) Regular attendance as defined in s. 1003.01(14)
27 may be achieved by attendance in a private tutoring program if
28 the person tutoring the student meets the following
29 requirements:

30 (a) Holds a valid Florida certificate to teach the
31 subjects or grades in which instruction is given.

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1 (b) Keeps all records and makes all reports required
2 by the state and district school board and makes regular
3 reports on the attendance of students in accordance with the
4 provisions of s. 1003.23(2).

5 (c) Requires students to be in actual attendance for
6 the minimum length of time prescribed by s. 1011.60(2).

7 (2) Private tutors shall keep and prepare records in
8 accordance with the provisions of s. 1003.23(2).

9 Section 109. Chapter 1003, Florida Statutes, shall be
10 entitled "Public K-12 Education" and shall consist of ss.
11 1003.01-1003.63.

12 Section 110. Part I of chapter 1003, Florida Statutes,
13 shall be entitled "General Provisions" and shall consist of
14 ss. 1003.01-1003.04.

15 Section 111. Section 1003.01, Florida Statutes, is
16 created to read:

17 1003.01 Definitions.--As used in this chapter, the
18 term:

19 (1) "District school board" means the members who are
20 elected by the voters of a school district created and
21 existing pursuant to s. 4, Art. IX of the State Constitution
22 to operate and control public K-12 education within the school
23 district.

24 (2) "School" means an organization of students for
25 instructional purposes on an elementary, middle or junior high
26 school, secondary or high school, or other public school level
27 authorized under rules of the State Board of Education.

28 (3)(a) "Exceptional student" means any student who has
29 been determined eligible for a special program in accordance
30 with rules of the State Board of Education. The term includes
31 students who are gifted and students with disabilities who are

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1 mentally handicapped, speech and language impaired, deaf or
2 hard of hearing, visually impaired, dual sensory impaired,
3 physically impaired, emotionally handicapped, specific
4 learning disabled, hospital and homebound, autistic,
5 developmentally delayed children, ages birth through 5 years,
6 or children, ages birth through 2 years, with established
7 conditions that are identified in State Board of Education
8 rules pursuant to s. 1003.21(1)(e).

9 (b) "Special education services" means specially
10 designed instruction and such related services as are
11 necessary for an exceptional student to benefit from
12 education. Such services may include: transportation;
13 diagnostic and evaluation services; social services; physical
14 and occupational therapy; job placement; orientation and
15 mobility training; braillists, typists, and readers for the
16 blind; interpreters and auditory amplification; rehabilitation
17 counseling; transition services; mental health services;
18 guidance and career counseling; specified materials, assistive
19 technology devices, and other specialized equipment; and other
20 such services as approved by rules of the state board.

21 (4) "Career and technical education" means education
22 that provides instruction for the following purposes:

23 (a) At the elementary, middle, and secondary school
24 levels, exploratory courses designed to give students initial
25 exposure to a broad range of occupations to assist them in
26 preparing their academic and occupational plans, and practical
27 arts courses that provide generic skills that may apply to
28 many occupations but are not designed to prepare students for
29 entry into a specific occupation. Career and technical
30 education provided before high school completion must be
31 designed to enhance both occupational and academic skills

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1 through integration with academic instruction.

2 (b) At the secondary school level, job-preparatory
3 instruction in the competencies that prepare students for
4 effective entry into an occupation, including diversified
5 cooperative education, work experience, and job-entry programs
6 that coordinate directed study and on-the-job training.

7 (c) At the postsecondary education level, courses of
8 study that provide competencies needed for entry into specific
9 occupations or for advancement within an occupation.

10 (5)(a) "Suspension," also referred to as out-of-school
11 suspension, means the temporary removal of a student from all
12 classes of instruction on public school grounds and all other
13 school-sponsored activities, except as authorized by the
14 principal or the principal's designee, for a period not to
15 exceed 10 school days and remanding of the student to the
16 custody of the student's parent with specific homework
17 assignments for the student to complete.

18 (b) "In-school suspension" means the temporary removal
19 of a student from the student's regular school program and
20 placement in an alternative program, such as that provided in
21 s. 1003.53, under the supervision of district school board
22 personnel, for a period not to exceed 10 school days.

23 (6) "Expulsion" means the removal of the right and
24 obligation of a student to attend a public school under
25 conditions set by the district school board, and for a period
26 of time not to exceed the remainder of the term or school year
27 and 1 additional year of attendance. Expulsions may be imposed
28 with or without continuing educational services and shall be
29 reported accordingly.

30 (7) "Corporal punishment" means the moderate use of
31 physical force or physical contact by a teacher or principal

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1 as may be necessary to maintain discipline or to enforce
2 school rule. However, the term "corporal punishment" does not
3 include the use of such reasonable force by a teacher or
4 principal as may be necessary for self-protection or to
5 protect other students from disruptive students.

6 (8) "Habitual truant" means a student who has 15
7 unexcused absences within 90 calendar days with or without the
8 knowledge or consent of the student's parent, is subject to
9 compulsory school attendance under s. 1003.21(1) and (2)(a),
10 and is not exempt under s. 1003.21(3) or s. 1003.24, or by
11 meeting the criteria for any other exemption specified by law
12 or rules of the State Board of Education. Such a student must
13 have been the subject of the activities specified in ss.
14 1003.26 and 1003.27(3), without resultant successful
15 remediation of the truancy problem before being dealt with as
16 a child in need of services according to the provisions of
17 chapter 984.

18 (9) "Dropout" means a student who meets any one or
19 more of the following criteria:

20 (a) The student has voluntarily removed himself or
21 herself from the school system before graduation for reasons
22 that include, but are not limited to, marriage, or the student
23 has withdrawn from school because he or she has failed the
24 statewide student assessment test and thereby does not receive
25 any of the certificates of completion;

26 (b) The student has not met the relevant attendance
27 requirements of the school district pursuant to State Board of
28 Education rules, or the student was expected to attend a
29 school but did not enter as expected for unknown reasons, or
30 the student's whereabouts are unknown;

31 (c) The student has withdrawn from school, but has not

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1 transferred to another public or private school or enrolled in
2 any career and technical, adult, home education, or
3 alternative educational program;

4 (d) The student has withdrawn from school due to
5 hardship, unless such withdrawal has been granted under the
6 provisions of s. 322.091, court action, expulsion, medical
7 reasons, or pregnancy; or

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

11
12 The State Board of Education may adopt rules to implement the
13 provisions of this subsection.

14 (10) "Alternative measures for students with special
15 needs" or "special programs" means measures designed to meet
16 the special needs of a student that cannot be met by regular
17 school curricula.

18 (11)(a) "Juvenile justice education programs or
19 schools" means programs or schools operating for the purpose
20 of providing educational services to youth in Department of
21 Juvenile Justice programs, for a school year comprised of 250
22 days of instruction distributed over 12 months. At the request
23 of the provider, a district school board may decrease the
24 minimum number of days of instruction by up to 10 days for
25 teacher planning for residential programs and up to 20 days
26 for teacher planning for nonresidential programs, subject to
27 the approval of the Department of Juvenile Justice and the
28 Department of Education.

29 (b) "Juvenile justice provider" means the Department
30 of Juvenile Justice or a private, public, or other
31 governmental organization under contract with the Department

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1 of Juvenile Justice that provides treatment, care and custody,
2 or educational programs for youth in juvenile justice
3 intervention, detention, or commitment programs.

4 (12) "Homeless child" means:

5 (a) One who lacks a fixed, regular nighttime
6 residence;

7 (b) One who has a primary nighttime residence that is:

8 1. A supervised publicly or privately operated shelter
9 designed to provide temporary living accommodations, including
10 welfare hotels, congregate shelters, and transitional housing
11 for the mentally ill;

12 2. An institution that provides a temporary residence
13 for individuals intended to be institutionalized; or

14 3. A public or private place not designed for, or
15 ordinarily used as, a regular sleeping accommodation for human
16 beings; or

17 (c) One who temporarily resides with an adult other
18 than his or her parent because the parent is suffering
19 financial hardship.

20
21 A child who is imprisoned, detained, or in the custody of the
22 state pursuant to a state or federal law is not a homeless
23 child.

24 (13) "Regular school attendance" means the actual
25 attendance of a student during the school day as defined by
26 law and rules of the State Board of Education. Regular
27 attendance within the intent of s. 1003.21 may be achieved by
28 attendance in:

29 (a) A public school supported by public funds;

30 (b) A parochial, religious, or denominational school;

31 (c) A private school supported in whole or in part by

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1 tuition charges or by endowments or gifts;

2 (d) A home education program that meets the
3 requirements of chapter 1002; or

4 (e) A private tutoring program that meets the
5 requirements of chapter 1002.

6 Section 112. Section 1003.02, Florida Statutes, is
7 created to read:

8 1003.02 District school board operation and control of
9 public K-12 education within the school district.--As provided
10 in part II of chapter 1001, district school boards are
11 constitutionally and statutorily charged with the operation
12 and control of public K-12 education within their school
13 district. The district school boards must establish, organize,
14 and operate their public K-12 schools and educational
15 programs, employees, and facilities. Their responsibilities
16 include staff development, public K-12 school student
17 education including education for exceptional students and
18 students in juvenile justice programs, special programs, adult
19 education programs, and career and technical education
20 programs. Additionally, district school boards must:

21 (1) Provide for the proper accounting for all students
22 of school age, for the attendance and control of students at
23 school, and for proper attention to health, safety, and other
24 matters relating to the welfare of students in the following
25 fields:

26 (a) Admission, classification, promotion, and
27 graduation of students.--Adopt rules for admitting,
28 classifying, promoting, and graduating students to or from the
29 various schools of the district.

30 (b) Enforcement of attendance laws.--Provide for the
31 enforcement of all laws and rules relating to the attendance

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1 of students at school.

2 (c) Control of students.--

3 1. Adopt rules for the control, attendance,
4 discipline, in-school suspension, suspension, and expulsion of
5 students and decide all cases recommended for expulsion.

6 2. Maintain a code of student conduct as provided in
7 chapter 1006.

8 (d) Courses of study and instructional materials.--

9 1. Provide adequate instructional materials for all
10 students as follows and in accordance with the requirements of
11 chapter 1006, in the core courses of mathematics, language
12 arts, social studies, science, reading, and literature, except
13 for instruction for which the school advisory council approves
14 the use of a program that does not include a textbook as a
15 major tool of instruction.

16 2. Adopt courses of study for use in the schools of
17 the district.

18 3. Provide for proper requisitioning, distribution,
19 accounting, storage, care, and use of all instructional
20 materials as may be needed, and ensure that instructional
21 materials used in the district are consistent with the
22 district goals and objectives and the curriculum frameworks
23 approved by the State Board of Education, as well as with the
24 state and school district performance standards required by
25 law and state board rule.

26 (e) Transportation.--Make provision for the
27 transportation of students to the public schools or school
28 activities they are required or expected to attend,
29 efficiently and economically, in accordance with the
30 requirements of chapter 1006.

31 (f) Facilities and school plant.--

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- 1 1. Approve and adopt a districtwide school facilities
2 program, in accordance with the requirements of chapter 1013.
- 3 2. Approve plans for locating, planning, constructing,
4 sanitating, insuring, maintaining, protecting, and condemning
5 school property as prescribed in chapter 1013.
- 6 3. Approve and adopt a districtwide school building
7 program.
- 8 4. Select and purchase school sites, playgrounds, and
9 recreational areas located at centers at which schools are to
10 be constructed, of adequate size to meet the needs of
11 projected students to be accommodated.
- 12 5. Approve the proposed purchase of any site,
13 playground, or recreational area for which school district
14 funds are to be used.
- 15 6. Expand existing sites.
- 16 7. Rent buildings when necessary.
- 17 8. Enter into leases or lease-purchase arrangements,
18 in accordance with the requirements and conditions provided in
19 s. 1013.15(2).
- 20 9. Provide for the proper supervision of construction.
- 21 10. Make or contract for additions, alterations, and
22 repairs on buildings and other school properties.
- 23 11. Ensure that all plans and specifications for
24 buildings provide adequately for the safety and well-being of
25 students, as well as for economy of construction.
- 26 12. Provide adequately for the proper maintenance and
27 upkeep of school plants.
- 28 13. Carry insurance on every school building in all
29 school plants including contents, boilers, and machinery,
30 except buildings of three classrooms or less which are of
31 frame construction and located in a tenth class public

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1 protection zone as defined by the Florida Inspection and
2 Rating Bureau, and on all school buses and other property
3 under the control of the district school board or title to
4 which is vested in the district school board, except as
5 exceptions may be authorized under rules of the State Board of
6 Education.

7 14. Condemn and prohibit the use for public school
8 purposes of any building under the control of the district
9 school board.

10 (g) School operation.--

11 1. Provide for the operation of all public schools as
12 free schools for a term of at least 180 days or the equivalent
13 on an hourly basis as specified by rules of the State Board of
14 Education; determine district school funds necessary in
15 addition to state funds to operate all schools for the minimum
16 term; and arrange for the levying of district school taxes
17 necessary to provide the amount needed from district sources.

18 2. Prepare, adopt, and timely submit to the Department
19 of Education, as required by law and by rules of the State
20 Board of Education, the annual school budget, so as to promote
21 the improvement of the district school system.

22 (h) Records and reports.--

23 1. Keep all necessary records and make all needed and
24 required reports, as required by law or by rules of the State
25 Board of Education.

26 2. At regular intervals require reports to be made by
27 principals or teachers in all public schools to the parents of
28 the students enrolled and in attendance at their schools,
29 apprising them of the academic and other progress being made
30 by the student and giving other useful information.

31 (2) Require that all laws, all rules of the State

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1 Board of Education, and all rules of the district school board
2 are properly enforced.

3 (3) Maintain a system of school improvement and
4 education accountability as required by law and State Board of
5 Education rule, including but not limited to the requirements
6 of chapter 1008.

7 (4) For any school within the district that is not in
8 compliance with the small school size requirements of chapter
9 1013, in order to reduce the anonymity of students in large
10 schools, adopt policies that encourage subdivision of the
11 school into schools-within-a-school, which shall operate
12 within existing resources. A "school-within-a-school" means an
13 operational program that uses flexible scheduling, team
14 planning, and curricular and instructional innovation to
15 organize groups of students with groups of teachers as smaller
16 units, so as to functionally operate as a smaller school.
17 Examples of this include, but are not limited to:

18 (a) An organizational arrangement assigning both
19 students and teachers to smaller units in which the students
20 take some or all of their coursework with their fellow grouped
21 students and from the teachers assigned to the smaller unit. A
22 unit may be grouped together for 1 year or on a vertical,
23 multiyear basis.

24 (b) An organizational arrangement similar to that
25 described in paragraph (a) with additional variations in
26 instruction and curriculum. The smaller unit usually seeks to
27 maintain a program different from that of the larger school,
28 or of other smaller units. It may be vertically organized, but
29 is dependent upon the school principal for its existence,
30 budget, and staff.

31 (c) A separate and autonomous smaller unit formally

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1 authorized by the district school board or district school
2 superintendent. The smaller unit plans and runs its own
3 program, has its own staff and students, and receives its own
4 separate budget. The smaller unit must negotiate the use of
5 common space with the larger school and defer to the building
6 principal on matters of safety and building operation.

7 Section 113. Section 1003.03, Florida Statutes, is
8 created to read:

9 1003.03 Maximum class size goals.--It is the goal of
10 the Legislature and each district school board that each
11 elementary school in the school district beginning with
12 kindergarten through grade three class sizes not exceed 20
13 students, with a ratio of one full-time equivalent teacher per
14 20 students; except that only in the case of "D" and "F"
15 schools as identified by the commissioner, the goal in
16 kindergarten through grade three shall be a ratio of one
17 full-time equivalent teacher per 15 students. For purposes of
18 any funding in the General Appropriations Act to meet these
19 goals, the district school board shall give priority to
20 identified "D" and "F" schools in the school district. Second
21 priority for the use of any funds designated for meeting these
22 goals shall be for kindergarten through grade one. Third
23 priority for the use of any funds designated for meeting these
24 goals shall be for grades two and three.

25 Section 114. Section 1003.04, Florida Statutes, is
26 created to read:

27 1003.04 Student conduct and parental involvement
28 goals.--

29 (1) It is the goal of the Legislature and each
30 district school board that each public K-12 student remain in
31 attendance throughout the school year, unless excused by the

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1 school for illness or other good cause, and comply fully with
2 the school's code of conduct.

3 (2) It is the goal of the Legislature and each
4 district school board that the parent of each public K-12
5 student comply with the school's reasonable and
6 time-acceptable parental involvement requests.

7 Section 115. Part II of chapter 1003, Florida
8 Statutes, shall be entitled "School Attendance" and shall
9 consist of ss. 1003.21-1003.29.

10 Section 116. Section 1003.21, Florida Statutes, is
11 created to read:

12 1003.21 School attendance.--

13 (1)(a)1. All children who have attained the age of 6
14 years or who will have attained the age of 6 years by February
15 1 of any school year or who are older than 6 years of age but
16 who have not attained the age of 16 years, except as otherwise
17 provided, are required to attend school regularly during the
18 entire school term.

19 2. Children who will have attained the age of 5 years
20 on or before September 1 of the school year are eligible for
21 admission to public kindergartens during that school year
22 under rules adopted by the district school board.

23 (b) Any child who has attained the age of 6 years on
24 or before September 1 of the school year and who has been
25 enrolled in a public school or who has attained the age of 6
26 years on or before September 1 and has satisfactorily
27 completed the requirements for kindergarten in a private
28 school from which the district school board accepts transfer
29 of academic credit, or who otherwise meets the criteria for
30 admission or transfer in a manner similar to that applicable
31 to other grades, shall progress according to the district's

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1 student progression plan. However, nothing in this section
2 shall authorize the state or any school district to oversee or
3 exercise control over the curricula or academic programs of
4 private schools or home education programs.

5 (c) A student who attains the age of 16 years during
6 the school year is not subject to compulsory school attendance
7 beyond the date upon which he or she attains that age if the
8 student files a formal declaration of intent to terminate
9 school enrollment with the district school board. The
10 declaration must acknowledge that terminating school
11 enrollment is likely to reduce the student's earning potential
12 and must be signed by the student and the student's parent.
13 The school district must notify the student's parent of
14 receipt of the student's declaration of intent to terminate
15 school enrollment.

16 (d) Students who become or have become married and
17 students who are pregnant shall not be prohibited from
18 attending school. These students and students who are parents
19 shall receive the same educational instruction or its
20 equivalent as other students, but may voluntarily be assigned
21 to a class or program suited to their special needs.
22 Consistent with s. 1003.54, pregnant or parenting teens may
23 participate in a teenage parent program. Pregnant students may
24 attend alternative education programs or adult education
25 programs, provided that the curriculum allows the student to
26 continue to work toward a high school diploma.

27 (e) Consistent with rules adopted by the State Board
28 of Education, children with disabilities who have attained the
29 age of 3 years shall be eligible for admission to public
30 special education programs and for related services under
31 rules adopted by the district school board. Exceptional

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1 children who are deaf or hard of hearing, visually impaired,
2 dual sensory impaired, severely physically handicapped,
3 trainable mentally handicapped, or profoundly handicapped, or
4 who have established conditions, or exhibit developmental
5 delays, below age 3 may be eligible for special programs; or,
6 if enrolled in other school readiness programs, they may be
7 eligible for supplemental instruction. Rules for the
8 identification of established conditions for children birth
9 through 2 years of age and developmental delays for children
10 birth through 5 years of age must be adopted by the State
11 Board of Education.

12 (f) Homeless children, as defined in s. 1003.01, must
13 have access to a free public education and must be admitted to
14 school in the school district in which they or their families
15 live. School districts shall assist homeless children to meet
16 the requirements of subsection (4) and s. 1003.22, as well as
17 local requirements for documentation.

18 (2)(a) The State Board of Education may adopt rules
19 under which students not meeting the entrance age may be
20 transferred from another state if their parents have been
21 legal residents of that state.

22 (b) Each district school board, in accordance with
23 rules of the State Board of Education, shall adopt a policy
24 that authorizes a parent to request and be granted permission
25 for absence of a student from school for religious instruction
26 or religious holidays.

27 (3) The district school superintendent may authorize
28 certificates of exemptions from school attendance requirements
29 in certain situations. Students within the compulsory
30 attendance age limits who hold valid certificates of exemption
31 that have been issued by the superintendent shall be exempt

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1 from attending school. A certificate of exemption shall cease
2 to be valid at the end of the school year in which it is
3 issued.

4 (4) Before admitting a child to kindergarten, the
5 principal shall require evidence that the child has attained
6 the age at which he or she should be admitted in accordance
7 with the provisions of subparagraph (1)(a)2. The district
8 school superintendent may require evidence of the age of any
9 child whom he or she believes to be within the limits of
10 compulsory attendance as provided for by law. If the first
11 prescribed evidence is not available, the next evidence
12 obtainable in the order set forth below shall be accepted:

13 (a) A duly attested transcript of the child's birth
14 record filed according to law with a public officer charged
15 with the duty of recording births;

16 (b) A duly attested transcript of a certificate of
17 baptism showing the date of birth and place of baptism of the
18 child, accompanied by an affidavit sworn to by the parent;

19 (c) An insurance policy on the child's life that has
20 been in force for at least 2 years;

21 (d) A bona fide contemporary religious record of the
22 child's birth accompanied by an affidavit sworn to by the
23 parent;

24 (e) A passport or certificate of arrival in the United
25 States showing the age of the child;

26 (f) A transcript of record of age shown in the child's
27 school record of at least 4 years prior to application,
28 stating date of birth; or

29 (g) If none of these evidences can be produced, an
30 affidavit of age sworn to by the parent, accompanied by a
31 certificate of age signed by a public health officer or by a

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1 public school physician, or, if neither of these is available
2 in the county, by a licensed practicing physician designated
3 by the district school board, which certificate states that
4 the health officer or physician has examined the child and
5 believes that the age as stated in the affidavit is
6 substantially correct. A homeless child, as defined in s.
7 1003.01, shall be given temporary exemption from this section
8 for 30 school days.

9 Section 117. Section 1003.22, Florida Statutes, is
10 created to read:

11 1003.22 School-entry health examinations; immunization
12 against communicable diseases; exemptions; duties of
13 Department of Health.--

14 (1) Each district school board and the governing
15 authority of each private school shall require that each child
16 who is entitled to admittance to kindergarten, or is entitled
17 to any other initial entrance into a public or private school
18 in this state, present a certification of a school-entry
19 health examination performed within 1 year prior to enrollment
20 in school. Each district school board, and the governing
21 authority of each private school, may establish a policy that
22 permits a student up to 30 school days to present a
23 certification of a school-entry health examination. A
24 homeless child, as defined in s. 1003.01, shall be given a
25 temporary exemption for 30 school days. Any district school
26 board that establishes such a policy shall include provisions
27 in its local school health services plan to assist students in
28 obtaining the health examinations. However, any child shall be
29 exempt from the requirement of a health examination upon
30 written request of the parent of the child stating objections
31 to the examination on religious grounds.

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1 (2) The State Board of Education, subject to the
2 concurrence of the Department of Health, shall adopt rules to
3 govern medical examinations and immunizations performed under
4 this section.

5 (3) The Department of Health may adopt rules necessary
6 to administer and enforce this section. The Department of
7 Health, after consultation with the Department of Education,
8 shall adopt rules governing the immunization of children
9 against, the testing for, and the control of preventable
10 communicable diseases. The rules must include procedures for
11 exempting a child from immunization requirements.
12 Immunizations shall be required for poliomyelitis, diphtheria,
13 rubeola, rubella, pertussis, mumps, tetanus, and other
14 communicable diseases as determined by rules of the Department
15 of Health. The manner and frequency of administration of the
16 immunization or testing shall conform to recognized standards
17 of medical practice. The Department of Health shall supervise
18 and secure the enforcement of the required immunization.
19 Immunizations required by this section shall be available at
20 no cost from the county health departments.

21 (4) Each district school board and the governing
22 authority of each private school shall establish and enforce
23 as policy that, prior to admittance to or attendance in a
24 public or private school, grades kindergarten through 12, each
25 child present or have on file with the school a certification
26 of immunization for the prevention of those communicable
27 diseases for which immunization is required by the Department
28 of Health and further shall provide for appropriate screening
29 of its students for scoliosis at the proper age. Such
30 certification shall be made on forms approved and provided by
31 the Department of Health and shall become a part of each

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1 student's permanent record, to be transferred when the student
2 transfers, is promoted, or changes schools. The transfer of
3 such immunization certification by Florida public schools
4 shall be accomplished using the Florida Automated System for
5 Transferring Education Records and shall be deemed to meet the
6 requirements of this section.

7 (5) The provisions of this section shall not apply if:

8 (a) The parent of the child objects in writing that
9 the administration of immunizing agents conflicts with his or
10 her religious tenets or practices;

11 (b) A physician licensed under the provisions of
12 chapter 458 or chapter 459 certifies in writing, on a form
13 approved and provided by the Department of Health, that the
14 child should be permanently exempt from the required
15 immunization for medical reasons stated in writing, based upon
16 valid clinical reasoning or evidence, demonstrating the need
17 for the permanent exemption;

18 (c) A physician licensed under the provisions of
19 chapter 458, chapter 459, or chapter 460 certifies in writing,
20 on a form approved and provided by the Department of Health,
21 that the child has received as many immunizations as are
22 medically indicated at the time and is in the process of
23 completing necessary immunizations;

24 (d) The Department of Health determines that,
25 according to recognized standards of medical practice, any
26 required immunization is unnecessary or hazardous; or

27 (e) An authorized school official issues a temporary
28 exemption, for a period not to exceed 30 school days, to
29 permit a student who transfers into a new county to attend
30 class until his or her records can be obtained. A homeless
31 child, as defined in s. 1003.01, shall be given a temporary

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1 exemption for 30 school days. The public school health nurse
2 or authorized private school official is responsible for
3 followup of each such student until proper documentation or
4 immunizations are obtained. An exemption for 30 days may be
5 issued for a student who enters a juvenile justice program to
6 permit the student to attend class until his or her records
7 can be obtained or until the immunizations can be obtained. An
8 authorized juvenile justice official is responsible for
9 followup of each student who enters a juvenile justice program
10 until proper documentation or immunizations are obtained.

11 (6)(a) No person licensed by this state as a physician
12 or nurse shall be liable for any injury caused by his or her
13 action or failure to act in the administration of a vaccine or
14 other immunizing agent pursuant to the provisions of this
15 section if the person acts as a reasonably prudent person with
16 similar professional training would have acted under the same
17 or similar circumstances.

18 (b) No member of a district school board, or any of
19 its employees, or member of a governing board of a private
20 school, or any of its employees, shall be liable for any
21 injury caused by the administration of a vaccine to any
22 student who is required to be so immunized or for a failure to
23 diagnose scoliosis pursuant to the provisions of this section.

24 (7) The parents of any child admitted to or in
25 attendance at a Florida public or private school, grades
26 kindergarten through 12, are responsible for assuring that the
27 child is in compliance with the provisions of this section.

28 (8) Each public school, including public kindergarten,
29 and each private school, including private kindergarten, shall
30 be required to provide to the county health department
31 director or administrator annual reports of compliance with

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1 the provisions of this section. Reports shall be completed on
2 forms provided by the Department of Health for each
3 kindergarten, and other grade as specified; and the reports
4 shall include the status of children who were admitted at the
5 beginning of the school year. After consultation with the
6 Department of Education, the Department of Health shall
7 establish by administrative rule the dates for submission of
8 these reports, the grades for which the reports shall be
9 required, and the forms to be used.

10 (9) The presence of any of the communicable diseases
11 for which immunization is required by the Department of Health
12 in a Florida public or private school shall permit the county
13 health department director or administrator or the State
14 Health Officer to declare a communicable disease emergency.
15 The declaration of such emergency shall mandate that all
16 students in attendance in the school who are not in compliance
17 with the provisions of this section be identified by the
18 district school board or by the governing authority of the
19 private school; and the school health and immunization records
20 of such children shall be made available to the county health
21 department director or administrator. Those children
22 identified as not being immunized against the disease for
23 which the emergency has been declared shall be temporarily
24 excluded from school by the district school board, or the
25 governing authority of the private school, until such time as
26 is specified by the county health department director or
27 administrator.

28 (10) Each district school board and the governing
29 authority of each private school shall:

30 (a) Refuse admittance to any child otherwise entitled
31 to admittance to kindergarten, or any other initial entrance

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1 into a Florida public or private school, who is not in
2 compliance with the provisions of subsection (4).

3 (b) Temporarily exclude from attendance any student
4 who is not in compliance with the provisions of subsection
5 (4).

6 (11) The provisions of this section do not apply to
7 those persons admitted to or attending adult education classes
8 unless the adult students are under 21 years of age.

9 Section 118. Section 1003.23, Florida Statutes, is
10 created to read:

11 1003.23 Attendance records and reports.--

12 (1) The attendance of all public K-12 school students
13 shall be checked each school day in the manner prescribed by
14 rules of the State Board of Education and recorded in the
15 teacher's register or by some approved system of recording
16 attendance. Students may be counted in attendance only if
17 they are actually present at school or are away from school on
18 a school day and are engaged in an educational activity which
19 constitutes a part of the school-approved instructional
20 program for the student.

21 (2) All officials, teachers, and other employees in
22 public, parochial, religious, denominational, and private K-12
23 schools, including private tutors, shall keep all records and
24 shall prepare and submit promptly all reports that may be
25 required by law and by rules of the State Board of Education
26 and district school boards. Such records shall include a
27 register of enrollment and attendance and all persons
28 described above shall make these reports therefrom as may be
29 required by the State Board of Education. The enrollment
30 register shall show the absence or attendance of each student
31 enrolled for each school day of the year in a manner

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1 prescribed by the State Board of Education. The register shall
2 be open for the inspection by the designated school
3 representative or the district school superintendent of the
4 district in which the school is located. Violation of the
5 provisions of this section shall be a misdemeanor of the
6 second degree, punishable as provided by law. This section
7 shall not apply to home education programs provided in s.
8 1002.41.

9 Section 119. Section 1003.24, Florida Statutes, is
10 created to read:

11 1003.24 Parents responsible for attendance of
12 children; attendance policy.--Each parent of a child within
13 the compulsory attendance age is responsible for the child's
14 school attendance as required by law. The absence of a
15 student from school is prima facie evidence of a violation of
16 this section; however, criminal prosecution under this chapter
17 may not be brought against a parent until the provisions of s.
18 1003.26 have been complied with. A parent of a student is not
19 responsible for the student's nonattendance at school under
20 any of the following conditions:

21 (1) WITH PERMISSION.--The absence was with permission
22 of the head of the school;

23 (2) WITHOUT KNOWLEDGE.--The absence was without the
24 parent's knowledge, consent, or connivance, in which case the
25 student shall be dealt with as a dependent child;

26 (3) FINANCIAL INABILITY.--The parent was unable
27 financially to provide necessary clothes for the student,
28 which inability was reported in writing to the superintendent
29 prior to the opening of school or immediately after the
30 beginning of such inability, provided that the validity of any
31 claim for exemption under this paragraph shall be determined

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1 by the district school superintendent subject to appeal to the
2 district school board; or

3 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE
4 CONDITION.--Attendance was impracticable or inadvisable on
5 account of sickness or injury, attested to by a written
6 statement of a licensed practicing physician, or was
7 impracticable because of some other stated insurmountable
8 condition as defined by rules of the State Board of Education.
9 If a student is continually sick and repeatedly absent from
10 school, he or she must be under the supervision of a physician
11 in order to receive an excuse from attendance. Such excuse
12 provides that a student's condition justifies absence for more
13 than the number of days permitted by the district school
14 board.

15
16 Each district school board shall establish an attendance
17 policy that includes, but is not limited to, the required
18 number of days each school year that a student must be in
19 attendance and the number of absences and tardinesses after
20 which a statement explaining such absences and tardinesses
21 must be on file at the school. Each school in the district
22 must determine if an absence or tardiness is excused or
23 unexcused according to criteria established by the district
24 school board.

25 Section 120. Section 1003.25, Florida Statutes, is
26 created to read:

27 1003.25 Procedures for maintenance and transfer of
28 student records.--

29 (1) Each principal shall maintain a permanent
30 cumulative record for each student enrolled in a public K-12
31 school. Such record shall be maintained in the form, and

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1 contain all data, prescribed by rule by the State Board of
2 Education. The cumulative record is confidential and exempt
3 from the provisions of s. 119.07(1) and is open to inspection
4 only as provided in chapter 1002.

5 (2) The procedure for transferring and maintaining
6 records of students who transfer from school to school shall
7 be prescribed by rules of the State Board of Education.

8 (3) Procedures relating to the acceptance of transfer
9 work and credit for students shall be prescribed by rule by
10 the State Board of Education.

11 Section 121. Section 1003.26, Florida Statutes, is
12 created to read:

13 1003.26 Enforcement of school attendance.--The
14 Legislature finds that poor academic performance is associated
15 with nonattendance and that schools must take an active role
16 in enforcing attendance as a means of improving the
17 performance of many students. It is the policy of the state
18 that each district school superintendent be responsible for
19 enforcing school attendance of all students subject to the
20 compulsory school age in the school district. The
21 responsibility includes recommending to the district school
22 board policies and procedures to ensure that schools respond
23 in a timely manner to every unexcused absence, or absence for
24 which the reason is unknown, of students enrolled in the
25 schools. District school board policies must require each
26 parent of a student to justify each absence of the student,
27 and that justification will be evaluated based on adopted
28 district school board policies that define excused and
29 unexcused absences. The policies must provide that schools
30 track excused and unexcused absences and contact the home in
31 the case of an unexcused absence from school, or an absence

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1 from school for which the reason is unknown, to prevent the
2 development of patterns of nonattendance. The Legislature
3 finds that early intervention in school attendance matters is
4 the most effective way of producing good attendance habits
5 that will lead to improved student learning and achievement.
6 Each public school shall implement the following steps to
7 enforce regular school attendance:
8 (1) CONTACT, REFER, AND ENFORCE.--
9 (a) Upon each unexcused absence, or absence for which
10 the reason is unknown, the school principal or his or her
11 designee shall contact the student's parent to determine the
12 reason for the absence. If the absence is an excused absence,
13 as defined by district school board policy, the school shall
14 provide opportunities for the student to make up assigned work
15 and not receive an academic penalty unless the work is not
16 made up within a reasonable time.
17 (b) If a student has had at least five unexcused
18 absences, or absences for which the reasons are unknown,
19 within a calendar month or 10 unexcused absences, or absences
20 for which the reasons are unknown, within a 90-calendar-day
21 period, the student's primary teacher shall report to the
22 school principal or his or her designee that the student may
23 be exhibiting a pattern of nonattendance. The principal shall,
24 unless there is clear evidence that the absences are not a
25 pattern of nonattendance, refer the case to the school's child
26 study team to determine if early patterns of truancy are
27 developing. If the child study team finds that a pattern of
28 nonattendance is developing, whether the absences are excused
29 or not, a meeting with the parent must be scheduled to
30 identify potential remedies, and the principal shall notify
31 the district school superintendent and the school district

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1 contact for home education programs that the referred student
2 is exhibiting a pattern of nonattendance.

3 (c) If an initial meeting does not resolve the
4 problem, the child study team shall implement interventions
5 that best address the problem. The interventions may include,
6 but need not be limited to:

7 1. Frequent communication between the teacher and the
8 family;

9 2. Changes in the learning environment;

10 3. Mentoring;

11 4. Student counseling;

12 5. Tutoring, including peer tutoring;

13 6. Placement into different classes;

14 7. Evaluation for alternative education programs;

15 8. Attendance contracts;

16 9. Referral to other agencies for family services; or

17 10. Other interventions, including, but not limited
18 to, a truancy petition pursuant to s. 984.151.

19 (d) The child study team shall be diligent in
20 facilitating intervention services and shall report the case
21 to the district school superintendent only when all reasonable
22 efforts to resolve the nonattendance behavior are exhausted.

23 (e) If the parent refuses to participate in the
24 remedial strategies because he or she believes that those
25 strategies are unnecessary or inappropriate, the parent may
26 appeal to the district school board. The district school board
27 may provide a hearing officer, and the hearing officer shall
28 make a recommendation for final action to the district school
29 board. If the district school board's final determination is
30 that the strategies of the child study team are appropriate,
31 and the parent still refuses to participate or cooperate, the

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1 district school superintendent may seek criminal prosecution
2 for noncompliance with compulsory school attendance.

3 (f)1. If the parent of a child who has been identified
4 as exhibiting a pattern of nonattendance enrolls the child in
5 a home education program pursuant to chapter 1002, the
6 district school superintendent shall provide the parent a copy
7 of s. 1002.41 and the accountability requirements of this
8 paragraph. The district school superintendent shall also
9 refer the parent to a home education review committee composed
10 of the district contact for home education programs and at
11 least two home educators selected by the parent from a
12 district list of all home educators who have conducted a home
13 education program for at least 3 years and who have indicated
14 a willingness to serve on the committee. The home education
15 review committee shall review the portfolio of the student, as
16 defined by s. 1002.41, every 30 days during the district's
17 regular school terms until the committee is satisfied that the
18 home education program is in compliance with s. 1002.41(1)(b).
19 The first portfolio review must occur within the first 30
20 calendar days of the establishment of the program. The
21 provisions of subparagraph 2. do not apply once the committee
22 determines the home education program is in compliance with s.
23 1002.41(1)(b).

24 2. If the parent fails to provide a portfolio to the
25 committee, the committee shall notify the district school
26 superintendent. The district school superintendent shall then
27 terminate the home education program and require the parent to
28 enroll the child in an attendance option that meets the
29 definition of "regular school attendance" under s.
30 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
31 termination of a home education program pursuant to this

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1 subparagraph, the parent shall not be eligible to reenroll the
2 child in a home education program for 180 calendar days.
3 Failure of a parent to enroll the child in an attendance
4 option as required by this subparagraph after termination of
5 the home education program pursuant to this subparagraph shall
6 constitute noncompliance with the compulsory attendance
7 requirements of s. 1003.21 and may result in criminal
8 prosecution under s. 1003.27(2). Nothing contained herein
9 shall restrict the ability of the district school
10 superintendent, or the ability of his or her designee, to
11 review the portfolio pursuant to s. 1002.41(1)(b).

12 (g) If a student subject to compulsory school
13 attendance will not comply with attempts to enforce school
14 attendance, the parent or the district school superintendent
15 or his or her designee shall refer the case to the case
16 staffing committee pursuant to s. 984.12, and the district
17 school superintendent or his or her designee may file a
18 truancy petition pursuant to the procedures in s. 984.151.

19 (2) GIVE WRITTEN NOTICE.--

20 (a) Under the direction of the district school
21 superintendent, a designated school representative shall give
22 written notice that requires enrollment or attendance within 3
23 days after the date of notice, in person or by return-receipt
24 mail, to the parent when no valid reason is found for a
25 student's nonenrollment in school. If the notice and
26 requirement are ignored, the designated school representative
27 shall report the case to the district school superintendent,
28 and may refer the case to the case staffing committee,
29 established pursuant to s. 984.12. The district school
30 superintendent shall take such steps as are necessary to bring
31 criminal prosecution against the parent.

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1 (b) Subsequent to the activities required under
2 subsection (1), the district school superintendent or his or
3 her designee shall give written notice in person or by
4 return-receipt mail to the parent that criminal prosecution is
5 being sought for nonattendance. The district school
6 superintendent may file a truancy petition, as defined in s.
7 984.03, following the procedures outlined in s. 984.151.

8 (3) RETURN STUDENT TO PARENT.--A designated school
9 representative shall visit the home or place of residence of a
10 student and any other place in which he or she is likely to
11 find any student who is required to attend school when the
12 student is not enrolled or is absent from school during school
13 hours without an excuse, and, when the student is found, shall
14 return the student to his or her parent or to the principal or
15 teacher in charge of the school, or to the private tutor from
16 whom absent, or to the juvenile assessment center or other
17 location established by the district school board to receive
18 students who are absent from school. Upon receipt of the
19 student, the parent shall be immediately notified.

20 (4) REPORT TO APPROPRIATE AUTHORITY.--A designated
21 school representative shall report to the appropriate
22 authority designated by law to receive such notices, all
23 violations of the Child Labor Law that may come to his or her
24 knowledge.

25 (5) RIGHT TO INSPECT.--A designated school
26 representative shall have the right of access to, and
27 inspection of, establishments where minors may be employed or
28 detained only for the purpose of ascertaining whether students
29 of compulsory school age are actually employed there and are
30 actually working there regularly. The designated school
31 representative shall, if he or she finds unsatisfactory

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1 working conditions or violations of the Child Labor Law,
2 report his or her findings to the appropriate authority.

3 Section 122. Section 1003.27, Florida Statutes, is
4 created to read:

5 1003.27 Court procedure and penalties.--The court
6 procedure and penalties for the enforcement of the provisions
7 of this part, relating to compulsory school attendance, shall
8 be as follows:

9 (1) COURT JURISDICTION.--The circuit court has
10 original and exclusive jurisdiction of all proceedings
11 against, or prosecutions of, students under the provisions of
12 this part. Proceedings against, or prosecutions of, parents or
13 employers as provided by this section shall be in the court of
14 each county having jurisdiction of misdemeanors wherein trial
15 by jury is afforded the defendant.

16 (2) NONENROLLMENT AND NONATTENDANCE CASES.--

17 (a) In each case of nonenrollment or of nonattendance
18 upon the part of a student who is required to attend some
19 school, when no valid reason for such nonenrollment or
20 nonattendance is found, the district school superintendent
21 shall institute a criminal prosecution against the student's
22 parent.

23 (b) Each public school principal or the principal's
24 designee shall notify the district school board of each minor
25 student under its jurisdiction who accumulates 15 unexcused
26 absences in a period of 90 calendar days. Each designee of the
27 governing body of each private school, and each parent whose
28 child is enrolled in a home education program, may provide the
29 Department of Highway Safety and Motor Vehicles with the legal
30 name, sex, date of birth, and social security number of each
31 minor student under his or her jurisdiction who fails to

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1 satisfy relevant attendance requirements and who fails to
2 otherwise satisfy the requirements of s. 322.091. The district
3 school superintendent must provide the Department of Highway
4 Safety and Motor Vehicles the legal name, sex, date of birth,
5 and social security number of each minor student who has been
6 reported under this paragraph and who fails to otherwise
7 satisfy the requirements of s. 322.091. The Department of
8 Highway Safety and Motor Vehicles may not issue a driver's
9 license or learner's driver's license to, and shall suspend
10 any previously issued driver's license or learner's driver's
11 license of, any such minor student, pursuant to the provisions
12 of s. 322.091.

13 (3) HABITUAL TRUANCY CASES.--The district school
14 superintendent is authorized to file a truancy petition, as
15 defined in s. 984.03, following the procedures outlined in s.
16 984.151. If the district school superintendent chooses not to
17 file a truancy petition, procedures for filing a
18 child-in-need-of-services petition shall be commenced pursuant
19 to this subsection and chapter 984. In accordance with
20 procedures established by the district school board, the
21 designated school representative shall refer a student who is
22 habitually truant and the student's family to the
23 children-in-need-of-services and families-in-need-of-services
24 provider or the case staffing committee, established pursuant
25 to s. 984.12, as determined by the cooperative agreement
26 required in this section. The case staffing committee may
27 request the Department of Juvenile Justice or its designee to
28 file a child-in-need-of-services petition based upon the
29 report and efforts of the district school board or other
30 community agency or may seek to resolve the truant behavior
31 through the school or community-based organizations or

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1 agencies. Prior to and subsequent to the filing of a
2 child-in-need-of-services petition due to habitual truancy,
3 the appropriate governmental agencies must allow a reasonable
4 time to complete actions required by this section and s.
5 1003.26 to remedy the conditions leading to the truant
6 behavior. Prior to the filing of a petition, the district
7 school board must have complied with the requirements of s.
8 1003.26, and those efforts must have been unsuccessful.

9 (4) COOPERATIVE AGREEMENTS.--The circuit manager of
10 the Department of Juvenile Justice or the circuit manager's
11 designee, the district administrator of the Department of
12 Children and Family Services or the district administrator's
13 designee, and the district school superintendent or the
14 superintendent's designee must develop a cooperative
15 interagency agreement that:

16 (a) Clearly defines each department's role,
17 responsibility, and function in working with habitual truants
18 and their families.

19 (b) Identifies and implements measures to resolve and
20 reduce truant behavior.

21 (c) Addresses issues of streamlining service delivery,
22 the appropriateness of legal intervention, case management,
23 the role and responsibility of the case staffing committee,
24 student and parental intervention and involvement, and
25 community action plans.

26 (d) Delineates timeframes for implementation and
27 identifies a mechanism for reporting results by the circuit
28 juvenile justice manager or the circuit manager's designee and
29 the district school superintendent or the superintendent's
30 designee to the Department of Juvenile Justice and the
31 Department of Education and other governmental entities as

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1 needed.

2 (e) Designates which agency is responsible for each of
3 the intervention steps in this section, to yield more
4 effective and efficient intervention services.

5 (5) ATTENDANCE REGISTER AS EVIDENCE.--The register of
6 attendance of students at a public, parochial, religious,
7 denominational, or private school, or of students taught by a
8 private tutor, kept in compliance with rules of the State
9 Board of Education is prima facie evidence of the facts which
10 it is required to show. A certified copy of any rule and a
11 statement of the date of its adoption by the State Board of
12 Education is admissible as prima facie evidence of the
13 provisions of the rule and of the date of its adoption.

14 (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY
15 BEGIN.--Proceedings or prosecutions under this chapter may be
16 commenced by the district school superintendent, by a
17 designated school representative, by the probation officer of
18 the county, by the executive officer of any court of competent
19 jurisdiction, by an officer of any court of competent
20 jurisdiction, or by a duly authorized agent of the Department
21 of Education or the Department of Juvenile Justice. If a
22 proceeding has been commenced against both a parent and a
23 child pursuant to this chapter, the presiding courts shall
24 make every effort to coordinate sanctions against the child
25 and parent, including ordering the child and parent to perform
26 community service hours or attend counseling together.

27 (7) PENALTIES.--The penalties for refusing or failing
28 to comply with this chapter shall be as follows:

29 (a) The parent.--

30 1. A parent who refuses or fails to have a minor
31 student who is under his or her control attend school

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1 regularly, or who refuses or fails to comply with the
2 requirements in subsection (3), commits a misdemeanor of the
3 second degree, punishable as provided in s. 775.082 or s.
4 775.083.

5 2. The continued or habitual absence of a minor
6 student without the consent of the principal or teacher in
7 charge of the school he or she attends or should attend, or of
8 the tutor who instructs or should instruct him or her, is
9 prima facie evidence of a violation of this chapter; however,
10 a showing that the parent has made a bona fide and diligent
11 effort to control and keep the student in school shall be an
12 affirmative defense to any criminal or other liability under
13 this subsection and the court shall refer the parent and child
14 for counseling, guidance, or other needed services.

15 3. In addition to any other punishment, the court
16 shall order a parent who has violated this section to send the
17 minor student to school, and may also order the parent to
18 participate in an approved parent training class, attend
19 school with the student unless this would cause undue
20 hardship, perform community service hours at the school, or
21 participate in counseling or other services, as appropriate.
22 If a parent is ordered to attend school with a student, the
23 school shall provide for programming to educate the parent and
24 student on the importance of school attendance. It shall be
25 unlawful to terminate any employee solely because he or she is
26 attending school with his or her child pursuant to a court
27 order.

28 (b) The principal or teacher.--A principal or teacher
29 in any public, parochial, religious, denominational, or
30 private school, or a private tutor who willfully violates any
31 provision of this chapter may, upon satisfactory proof of such

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1 violation, have his or her certificate revoked by the
2 Department of Education.

3 (c) The employer.--

4 1. An employer who fails to notify the district school
5 superintendent when he or she ceases to employ a student
6 commits a misdemeanor of the second degree, punishable as
7 provided in s. 775.082 or s. 775.083.

8 2. An employer who terminates any employee solely
9 because he or she is attending school with a student pursuant
10 to court order commits a misdemeanor of the second degree,
11 punishable as provided in s. 775.082 or s. 775.083.

12 (d) The student.--

13 1. In addition to any other authorized sanctions, the
14 court shall order a student found to be a habitual truant to
15 make up all school work missed and may order the student to
16 pay a civil penalty of up to \$2, based on the student's
17 ability to pay, for each day of school missed, perform up to
18 25 community service hours at the school, or participate in
19 counseling or other services, as appropriate.

20 2. Upon a second or subsequent finding that a student
21 is a habitual truant, the court, in addition to any other
22 authorized sanctions, shall order the student to make up all
23 school work missed and may order the student to pay a civil
24 penalty of up to \$5, based on the student's ability to pay,
25 for each day of school missed, perform up to 50 community
26 service hours at the school, or participate in counseling or
27 other services, as appropriate.

28 Section 123. Section 1003.28, Florida Statutes, is
29 created to read:

30 1003.28 Continuation of truancy remedial activities
31 upon transfer of student; retention of legal jurisdiction.--

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1 (1) If, during the activities designed to remedy
2 truant behavior as described in s. 1003.27, the parent of the
3 student who is the subject of such activities transfers the
4 student to another school district in this state in an attempt
5 to circumvent the remedial procedures which have already
6 begun, the administration of the school from which the student
7 transferred shall provide to the administration of the new
8 school, at no charge, copies of all available records and
9 documents relevant to such remedial activities, and the
10 administration of the new school shall begin remedial
11 activities in the program that most closely meets the transfer
12 student's needs.

13 (2) In the event that a legal proceeding has
14 commenced, as provided in s. 1003.27, against a student who
15 has been determined to be a habitual truant, the movement of
16 the student who is the subject of such proceeding to another
17 circuit court district in this state will not affect the
18 jurisdiction of the court to proceed with the case under the
19 law.

20 Section 124. Section 1003.29, Florida Statutes, is
21 created to read:

22 1003.29 Notice to schools of court action.--If a court
23 takes action that directly involves a student's school,
24 including, but not limited to, an order that a student attend
25 school, attend school with his or her parent, perform at grade
26 level, or perform community service hours at the school, the
27 office of the clerk of the court shall provide notice to the
28 school of the court's action.

29 Section 125. Part III of chapter 1003, Florida
30 Statutes, shall be entitled "Control of Students" and shall
31 consist of ss. 1003.31-1003.33.

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1 Section 126. Section 1003.31, Florida Statutes, is
2 created to read:

3 1003.31 Students subject to control of school.--

4 (1) Subject to law and rules of the State Board of
5 Education and of the district school board, each student
6 enrolled in a school shall:

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

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

10 (c) During the time she or he is on the school
11 premises participating with authorization in a
12 school-sponsored activity; and

13 (d) During a reasonable time before and after the
14 student is on the premises for attendance at school or for
15 authorized participation in a school-sponsored activity, and
16 only when on the premises,

17
18 be under the control and direction of the principal or teacher
19 in charge of the school, and under the immediate control and
20 direction of the teacher or other member of the instructional
21 staff or of the bus driver to whom such responsibility may be
22 assigned by the principal. However, the State Board of
23 Education or the district school board may, by rules, subject
24 each student to the control and direction of the principal or
25 teacher in charge of the school during the time she or he is
26 otherwise en route to or from school or is presumed by law to
27 be attending school.

28 (2) There is a rebuttable presumption that the term
29 "reasonable time" means 30 minutes before or after the
30 activity is scheduled or actually begins or ends, whichever
31 period is longer. A school or district school board may, by

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1 policy or other formal action, assume a longer period of
2 supervision. Casual or incidental contact between school
3 district personnel and students on school property shall not
4 result in a legal duty to supervise outside of the reasonable
5 times set forth in this section, provided that parents shall
6 be advised in writing twice per year or by posted signs of the
7 school's formal supervisory responsibility and that parents
8 should not rely on additional supervision. The duty of
9 supervision shall not extend to anyone other than students
10 attending school and students authorized to participate in
11 school-sponsored activities.

12 (3) Nothing shall prohibit a district school board
13 from having the right to expel, or to take disciplinary action
14 against, a student who is found to have committed an offense
15 on school property at any time if:

16 (a) The student is found to have committed a
17 delinquent act which would be a felony if committed by an
18 adult;

19 (b) The student has had adjudication withheld for a
20 delinquent act which, if committed by an adult, would be a
21 felony; or

22 (c) The student has been found guilty of a felony.

23
24 However, if the student is a student with a disability, the
25 disciplinary action must comply with the procedures set forth
26 in State Board of Education rule.

27 (4) Each student enrolled in a school may be required
28 to take the following school child's daily conduct pledge:

29 (a) I will be respectful at all times and obedient
30 unless asked to do wrong.

31 (b) I will not hurt another person with my words or my

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1 acts, because it is wrong to hurt others.

2 (c) I will tell the truth, because it is wrong to tell
3 a lie.

4 (d) I will not steal, because it is wrong to take
5 someone else's property.

6 (e) I will respect my body, and not take drugs.

7 (f) I will show strength and courage, and not do
8 something wrong, just because others are doing it.

9 (g) I pledge to be nonviolent and to respect my
10 teachers and fellow classmates.

11 Section 127. Section 1003.32, Florida Statutes, is
12 created to read:

13 1003.32 Authority of teacher; responsibility for
14 control of students; district school board and principal
15 duties.--Subject to law and to the rules of the district
16 school board, each teacher or other member of the staff of any
17 school shall have such authority for the control and
18 discipline of students as may be assigned to him or her by the
19 principal or the principal's designated representative and
20 shall keep good order in the classroom and in other places in
21 which he or she is assigned to be in charge of students.

22 (1) Within the framework of the district school
23 board's code of student conduct, teachers and other
24 instructional personnel shall have the authority to undertake
25 any of the following actions in managing student behavior and
26 ensuring the safety of all students in their classes and
27 school:

28 (a) Establish classroom rules of conduct.

29 (b) Establish and implement consequences, designed to
30 change behavior, for infractions of classroom rules.

31 (c) Have disobedient, disrespectful, violent, abusive,

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1 uncontrollable, or disruptive students temporarily removed
2 from the classroom for behavior management intervention.

3 (d) Have violent, abusive, uncontrollable, or
4 disruptive students directed for information or assistance
5 from appropriate school or district school board personnel.

6 (e) Assist in enforcing school rules on school
7 property, during school-sponsored transportation, and during
8 school-sponsored activities.

9 (f) Request and receive information as to the
10 disposition of any referrals to the administration for
11 violation of classroom or school rules.

12 (g) Request and receive immediate assistance in
13 classroom management if a student becomes uncontrollable or in
14 case of emergency.

15 (h) Request and receive training and other assistance
16 to improve skills in classroom management, violence
17 prevention, conflict resolution, and related areas.

18 (i) Press charges if a crime has been committed
19 against the teacher or other instructional personnel on school
20 property, during school-sponsored transportation, or during
21 school-sponsored activities.

22 (j) Use reasonable force, according to standards
23 adopted by the State Board of Education, to protect himself or
24 herself or others from injury.

25 (k) Use corporal punishment according to school board
26 policy and at least the following procedures, if a teacher
27 feels that corporal punishment is necessary:

28 1. The use of corporal punishment shall be approved in
29 principle by the principal before it is used, but approval is
30 not necessary for each specific instance in which it is used.

31 The principal shall prepare guidelines for administering such

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1 punishment which identify the types of punishable offenses,
2 the conditions under which the punishment shall be
3 administered, and the specific personnel on the school staff
4 authorized to administer the punishment.

5 2. A teacher or principal may administer corporal
6 punishment only in the presence of another adult who is
7 informed beforehand, and in the student's presence, of the
8 reason for the punishment.

9 3. A teacher or principal who has administered
10 punishment shall, upon request, provide the student's parent
11 with a written explanation of the reason for the punishment
12 and the name of the other adult who was present.

13 (2) Teachers and other instructional personnel shall:

14 (a) Set and enforce reasonable classroom rules that
15 treat all students equitably.

16 (b) Seek professional development to improve classroom
17 management skills when data show that they are not effective
18 in handling minor classroom disruptions.

19 (c) Maintain a positive and effective learning
20 environment that maximizes learning and minimizes disruption.

21 (d) Work with parents and other school personnel to
22 solve discipline problems in their classrooms.

23 (3) A teacher may send a student to the principal's
24 office to maintain effective discipline in the classroom. The
25 principal shall respond by employing appropriate
26 discipline-management techniques consistent with the student
27 code of conduct under s. 1006.07.

28 (4) A teacher may remove from class a student whose
29 behavior the teacher determines interferes with the teacher's
30 ability to communicate effectively with the students in the
31 class or with the ability of the student's classmates to

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1 learn.

2 (5) If a teacher removes a student from class under
3 subsection (4), the principal may place the student in another
4 appropriate classroom, in in-school suspension, or in a
5 dropout prevention and academic intervention program as
6 provided by s. 1003.53; or the principal may recommend the
7 student for out-of-school suspension or expulsion, as
8 appropriate. The student may be prohibited from attending or
9 participating in school-sponsored or school-related
10 activities. The principal may not return the student to that
11 teacher's class without the teacher's consent unless the
12 committee established under subsection (6) determines that
13 such placement is the best or only available alternative. The
14 teacher and the placement review committee must render
15 decisions within 5 days of the removal of the student from the
16 classroom.

17 (6) Each school shall establish a committee to
18 determine placement of a student when a teacher withholds
19 consent to the return of a student to the teacher's class.
20 Committee membership must include at least the following:

21 (a) Two teachers selected by the school's faculty.

22 (b) One member from the school's staff who is selected
23 by the principal.

24
25 The teacher who withheld consent to readmitting the student
26 may not serve on the committee. The teacher and the placement
27 review committee must render decisions within 5 days after the
28 removal of the student from the classroom.

29 (7) Any teacher who removes 25 percent of his or her
30 total class enrollment shall be required to complete
31 professional development to improve classroom management

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1 skills.

2 (8) When knowledgeable of the likely risk of physical
3 violence in the schools, the district school board shall take
4 reasonable steps to ensure that teachers, other school staff,
5 and students are not at undue risk of violence or harm.

6 Section 128. Section 1003.33, Florida Statutes, is
7 created to read:

8 1003.33 Report cards; end-of-the-year status.--

9 (1) Each district school board shall establish and
10 publish policies requiring the content and regular issuance of
11 student report cards for all elementary school, middle school,
12 and high school students. These report cards must clearly
13 depict and grade:

14 (a) The student's academic performance in each class
15 or course, which in grades 1 through 12 must be based upon
16 examinations as well as written papers, class participation,
17 and other academic performance criteria.

18 (b) The student's conduct and behavior.

19 (c) The student's attendance, including absences and
20 tardiness.

21 (2) A student's final report card for a school year
22 shall contain a statement indicating end-of-the-year status
23 regarding performance or nonperformance at grade level,
24 acceptable or unacceptable behavior and attendance, and
25 promotion or nonpromotion.

26
27 District school boards shall not allow schools to exempt
28 students from academic performance requirements based on
29 practices or policies designed to encourage student
30 attendance. A student's attendance record may not be used in
31 whole or in part to provide an exemption from any academic

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1 performance requirement.

2 Section 129. Part IV of chapter 1003, Florida
3 Statutes, shall be entitled "Public K-12 Educational
4 Instruction" and shall consist of ss. 1003.41-1003.491.

5 Section 130. Section 1003.41, Florida Statutes, is
6 created to read:

7 1003.41 Sunshine State Standards.--Public K-12
8 educational instruction in Florida is based on the "Sunshine
9 State Standards." These standards have been adopted by the
10 State Board of Education and delineate the academic
11 achievement of students, for which the state will hold schools
12 accountable, in grades K-2, 3-5, 6-8, and 9-12 in the subjects
13 of language arts, mathematics, science, social studies, the
14 arts, health and physical education, and foreign languages.
15 They include standards in reading, writing, history,
16 government, geography, economics, and computer literacy.

17 Section 131. Section 1003.42, Florida Statutes, is
18 created to read:

19 1003.42 Required instruction.--

20 (1) Each district school board shall provide all
21 courses required for high school graduation and appropriate
22 instruction designed to ensure that students meet State Board
23 of Education adopted standards in the following subject areas:
24 reading and other language arts, mathematics, science, social
25 studies, foreign languages, health and physical education, and
26 the arts.

27 (2) Members of the instructional staff of the public
28 schools, subject to the rules of the State Board of Education
29 and the district school board, shall teach efficiently and
30 faithfully, using the books and materials required, following
31 the prescribed courses of study, and employing approved

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1 methods of instruction, the following:

2 (a) The content of the Declaration of Independence and
3 how it forms the philosophical foundation of our government.

4 (b) The arguments in support of adopting our
5 republican form of government, as they are embodied in the
6 most important of the Federalist Papers.

7 (c) The essentials of the United States Constitution
8 and how it provides the structure of our government.

9 (d) Flag education, including proper flag display and
10 flag salute.

11 (e) The elements of civil government, including the
12 primary functions of and interrelationships between the
13 Federal Government, the state, and its counties,
14 municipalities, school districts, and special districts.

15 (f) The history of the Holocaust (1933-1945), the
16 systematic, planned annihilation of European Jews and other
17 groups by Nazi Germany, a watershed event in the history of
18 humanity, to be taught in a manner that leads to an
19 investigation of human behavior, an understanding of the
20 ramifications of prejudice, racism, and stereotyping, and an
21 examination of what it means to be a responsible and
22 respectful person, for the purposes of encouraging tolerance
23 of diversity in a pluralistic society and for nurturing and
24 protecting democratic values and institutions.

25 (g) The history of African Americans, including the
26 history of African peoples before the political conflicts that
27 led to the development of slavery, the passage to America, the
28 enslavement experience, abolition, and the contributions of
29 African Americans to society.

30 (h) The elementary principles of agriculture.

31 (i) The true effects of all alcoholic and intoxicating

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1 liquors and beverages and narcotics upon the human body and
2 mind.
3 (j) Kindness to animals.
4 (k) The history of the state.
5 (l) The conservation of natural resources.
6 (m) Comprehensive health education that addresses
7 concepts of community health; consumer health; environmental
8 health; family life, including an awareness of the benefits of
9 sexual abstinence as the expected standard and the
10 consequences of teenage pregnancy; mental and emotional
11 health; injury prevention and safety; nutrition; personal
12 health; prevention and control of disease; and substance use
13 and abuse.
14 (n) Such additional materials, subjects, courses, or
15 fields in such grades as are prescribed by law or by rules of
16 the State Board of Education and the district school board in
17 fulfilling the requirements of law.
18 (o) The study of Hispanic contributions to the United
19 States.
20 (p) The study of women's contributions to the United
21 States.
22 (q) A character-development program in the elementary
23 schools, similar to Character First or Character Counts, which
24 is secular in nature and stresses such character qualities as
25 attentiveness, patience, and initiative. Beginning in school
26 year 2004-2005, the character-development program shall be
27 required in kindergarten through grade 12. Each district
28 school board shall develop or adopt a curriculum for the
29 character-development program that shall be submitted to the
30 department for approval. The character-development curriculum
31 shall stress the qualities of patriotism, responsibility,

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1 citizenship, kindness, respect, honesty, self-control,
2 tolerance, and cooperation.

3 (r) In order to encourage patriotism, the sacrifices
4 that veterans have made in serving our country and protecting
5 democratic values worldwide. Such instruction must occur on or
6 before Veterans' Day and Memorial Day. Members of the
7 instructional staff are encouraged to use the assistance of
8 local veterans when practicable.

9 (3) Any student whose parent makes written request to
10 the school principal shall be exempted from the teaching of
11 reproductive health or any disease, including HIV/AIDS, its
12 symptoms, development, and treatment. A student so exempted
13 may not be penalized by reason of that exemption. Course
14 descriptions for comprehensive health education shall not
15 interfere with the local determination of appropriate
16 curriculum which reflects local values and concerns.

17 Section 132. Section 1003.43, Florida Statutes, is
18 created to read:

19 1003.43 General requirements for high school
20 graduation.--

21 (1) Graduation requires successful completion of
22 either a minimum of 24 academic credits in grades 9 through 12
23 or an International Baccalaureate curriculum. The 24 credits
24 shall be distributed as follows:

25 (a) Four credits in English, with major concentration
26 in composition and literature.

27 (b) Three credits in mathematics. Effective for
28 students entering the 9th grade in the 1997-1998 school year
29 and thereafter, one of these credits must be Algebra I, a
30 series of courses equivalent to Algebra I, or a higher-level
31 mathematics course.

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1 (c) Three credits in science, two of which must have a
2 laboratory component. The State Board of Education may grant
3 an annual waiver of the laboratory requirement to a district
4 school board that certifies that its laboratory facilities are
5 inadequate, provided the district school board submits a
6 capital outlay plan to provide adequate facilities and makes
7 the funding of this plan a priority of the district school
8 board. Agriscience Foundations I, the core course in secondary
9 Agriscience and Natural Resources programs, counts as one of
10 the science credits.

11 (d) One credit in American history.

12 (e) One credit in world history, including a
13 comparative study of the history, doctrines, and objectives of
14 all major political systems.

15 (f) One-half credit in economics, including a
16 comparative study of the history, doctrines, and objectives of
17 all major economic systems. The Florida Council on Economic
18 Education shall provide technical assistance to the department
19 and district school boards in developing curriculum materials
20 for the study of economics.

21 (g) One-half credit in American government, including
22 study of the Constitution of the United States. For students
23 entering the 9th grade in the 1997-1998 school year and
24 thereafter, the study of Florida government, including study
25 of the State Constitution, the three branches of state
26 government, and municipal and county government, shall be
27 included as part of the required study of American government.

28 (h)1. One credit in practical arts career and
29 technical education or exploratory career and technical
30 education. Any career and technical education course as
31 defined in s. 1003.01 may be taken to satisfy the high school

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1 graduation requirement for one credit in practical arts or
2 exploratory career and technical education provided in this
3 subparagraph;
4 2. One credit in performing fine arts to be selected
5 from music, dance, drama, painting, or sculpture. A course in
6 any art form, in addition to painting or sculpture, that
7 requires manual dexterity, or a course in speech and debate,
8 may be taken to satisfy the high school graduation requirement
9 for one credit in performing arts pursuant to this
10 subparagraph; or
11 3. One-half credit each in practical arts career and
12 technical education or exploratory career and technical
13 education and performing fine arts, as defined in this
14 paragraph.
15
16 Such credit for practical arts career and technical education
17 or exploratory career and technical education or for
18 performing fine arts shall be made available in the 9th grade,
19 and students shall be scheduled into a 9th grade course as a
20 priority.
21 (i) One-half credit in life management skills to
22 include consumer education, positive emotional development,
23 marriage and relationship skill-based education, nutrition,
24 prevention of human immunodeficiency virus infection and
25 acquired immune deficiency syndrome and other sexually
26 transmissible diseases, benefits of sexual abstinence and
27 consequences of teenage pregnancy, information and instruction
28 on breast cancer detection and breast self-examination,
29 cardiopulmonary resuscitation, drug education, and the hazards
30 of smoking. Such credit shall be given for a course to be
31 taken by all students in either the 9th or 10th grade.

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1 (j) One credit in physical education to include
2 assessment, improvement, and maintenance of personal fitness.
3 Participation in an interscholastic sport at the junior
4 varsity or varsity level, for two full seasons, shall satisfy
5 the one-credit requirement in physical education if the
6 student passes a competency test on personal fitness with a
7 score of "C" or better. The competency test on personal
8 fitness must be developed by the Department of Education. A
9 district school board may not require that the one credit in
10 physical education be taken during the 9th grade year.
11 Completion of one semester with a grade of "C" or better in a
12 marching band class or in a physical activity class that
13 requires participation in marching band activities as an
14 extracurricular activity shall satisfy a one-half credit
15 requirement in physical education. This one-half credit may
16 not be used to satisfy the personal fitness requirement or the
17 requirement for adaptive physical education under an
18 individual educational plan (IEP) or 504 plan.

19 (k) Eight and one-half elective credits.
20
21 District school boards may award a maximum of one-half credit
22 in social studies and one-half elective credit for student
23 completion of nonpaid voluntary community or school service
24 work. Students choosing this option must complete a minimum
25 of 75 hours of service in order to earn the one-half credit in
26 either category of instruction. Credit may not be earned for
27 service provided as a result of court action. District school
28 boards that approve the award of credit for student volunteer
29 service shall develop guidelines regarding the award of the
30 credit, and school principals are responsible for approving
31 specific volunteer activities. A course designated in the

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1 Course Code Directory as grade 9 through grade 12 that is
2 taken below the 9th grade may be used to satisfy high school
3 graduation requirements or Florida Academic Scholars award
4 requirements as specified in a district school board's student
5 progression plan. A student shall be granted credit toward
6 meeting the requirements of this subsection for equivalent
7 courses, as identified pursuant to s. 1007.271(6), taken
8 through dual enrollment.

9 (2) Remedial and compensatory courses taken in grades
10 9 through 12 may only be counted as elective credit as
11 provided in subsection (1).

12 (3) Credit for high school graduation may be earned
13 for volunteer activities and nonacademic activities which have
14 been approved for such credit by the State Board of Education.

15 (4)(a) A district school board may require specific
16 courses and programs of study within the minimum credit
17 requirements for high school graduation and shall modify basic
18 courses, as necessary, to assure exceptional students the
19 opportunity to meet the graduation requirements for a standard
20 diploma, using one of the following strategies:

21 1. Assignment of the exceptional student to an
22 exceptional education class for instruction in a basic course
23 with the same student performance standards as those required
24 of nonexceptional students in the district school board
25 student progression plan; or

26 2. Assignment of the exceptional student to a basic
27 education class for instruction that is modified to
28 accommodate the student's exceptionality.

29 (b) The district school board shall determine which of
30 these strategies to employ based upon an assessment of the
31 student's needs and shall reflect this decision in the

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1 student's individual educational plan.

2 (c) District school boards are authorized and
3 encouraged to establish requirements for high school
4 graduation in excess of the minimum requirements; however, an
5 increase in academic credit or minimum grade point average
6 requirements shall not apply to those students enrolled in
7 grades 9 through 12 at the time the district school board
8 increases the requirements. In addition, any increase in
9 academic credit or minimum grade point average requirements
10 shall not apply to a student who earns credit toward the
11 graduation requirements of this section for equivalent courses
12 taken through dual enrollment.

13 (5) Each district school board shall establish
14 standards for graduation from its schools, and these standards
15 must include:

16 (a) Earning passing scores on the FCAT, as defined in
17 s. 1008.22(3)(c).

18 (b) Completion of all other applicable requirements
19 prescribed by the district school board pursuant to s.
20 1008.25.

21 (c) Achievement of a cumulative grade point average of
22 1.5 on a 4.0 scale, or its equivalent, for students entering
23 9th grade before the 1997-1998 school year; however, these
24 students must earn a cumulative grade point average of 2.0 on
25 a 4.0 scale, or its equivalent, in the courses required by
26 subsection (1) that are taken after July 1, 1997, or have an
27 overall cumulative grade point average of 2.0 or above.

28 (d) Achievement of a cumulative grade point average of
29 2.0 on a 4.0 scale, or its equivalent, in the courses required
30 by subsection (1), for students entering 9th grade in the
31 1997-1998 school year and thereafter.

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1 (e) For purposes of paragraphs (c) and (d):
2 1. Each district school board shall adopt policies
3 designed to assist students in meeting these requirements.
4 These policies may include, but are not limited to:
5 forgiveness policies, summer school or before or after school
6 attendance, special counseling, volunteer and/or peer tutors,
7 school-sponsored help sessions, homework hotlines, and study
8 skills classes. Beginning in the 2000-2001 school year and
9 each year thereafter, forgiveness policies for required
10 courses shall be limited to replacing a grade of "D" or "F,"
11 or the equivalent of a grade of "D" or "F," with a grade of
12 "C" or higher, or the equivalent of a grade of "C" or higher,
13 earned subsequently in the same or comparable course.
14 Forgiveness policies for elective courses shall be limited to
15 replacing a grade of "D" or "F," or the equivalent of a grade
16 of "D" or "F," with a grade of "C" or higher, or the
17 equivalent of a grade of "C" or higher, earned subsequently in
18 another course. Any course grade not replaced according to a
19 district school board forgiveness policy shall be included in
20 the calculation of the cumulative grade point average required
21 for graduation.
22 2. At the end of each semester, the parent of each
23 student in grades 9, 10, 11, and 12 who has a cumulative grade
24 point average of less than 0.5 above the cumulative grade
25 point average required for graduation shall be notified that
26 the student is at risk of not meeting the requirements for
27 graduation. The notice shall contain an explanation of the
28 policies the district school board has in place to assist the
29 student in meeting the grade point average requirement.
30 3. Special assistance to obtain a high school
31 equivalency diploma pursuant to s. 1003.435 may be given only

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1 when the student has completed all requirements for graduation
2 except the attainment of the required cumulative grade point
3 average.

4
5 The standards required in this subsection, and any subsequent
6 modifications, shall be reprinted in the Florida
7 Administrative Code even though not defined as "rules."

8 (6) The Legislature recognizes that adult learners are
9 unique in situation and needs. The following graduation
10 requirements are therefore instituted for students enrolled in
11 adult general education in accordance with s. 1004.93 in
12 pursuit of a high school diploma:

13 (a) The one credit in physical education required for
14 graduation, pursuant to subsection (1), is not required for
15 graduation and shall be substituted with elective credit
16 keeping the total credits needed for graduation consistent
17 with subsection (1).

18 (b) Each district school board may waive the
19 laboratory component of the science requirement expressed in
20 subsection (1) when such facilities are inaccessible or do not
21 exist.

22 (c) Any course listed within the Department of
23 Education Course Code Directory in the areas of art, dance,
24 drama, or music may be undertaken by adult secondary education
25 students. Enrollment and satisfactory completion of such a
26 course shall satisfy the credit in performing fine arts
27 required for high school graduation pursuant to subsection
28 (1).

29 (7) No student may be granted credit toward high
30 school graduation for enrollment in the following courses or
31 programs:

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1 (a) More than a total of nine elective credits in
2 remedial programs.

3 (b) More than one credit in exploratory career
4 education courses as defined in s. 1003.01(4)(a).

5 (c) More than three credits in practical arts family
6 and consumer sciences classes as defined in s. 1003.01(4)(a).

7 (d) Any Level I course unless the student's assessment
8 indicates that a more rigorous course of study would be
9 inappropriate, in which case a written assessment of the need
10 must be included in the student's individual educational plan
11 or in a student performance plan, signed by the principal, the
12 guidance counselor, and the parent of the student, or the
13 student if the student is 18 years of age or older.

14 (8) The State Board of Education, after a public
15 hearing and consideration, shall make provision for
16 appropriate modification of testing instruments and procedures
17 for students with identified handicaps or disabilities in
18 order to ensure that the results of the testing represent the
19 student's achievement, rather than reflecting the student's
20 impaired sensory, manual, speaking, or psychological process
21 skills.

22 (9) A student who meets all requirements prescribed in
23 subsections (1), (4), and (5) shall be awarded a standard
24 diploma in a form prescribed by the State Board of Education.
25 A district school board may attach the Florida gold seal
26 career and technical endorsement to a standard diploma or,
27 instead of the standard diploma, award differentiated diplomas
28 to those exceeding the prescribed minimums. A student who
29 completes the minimum number of credits and other requirements
30 prescribed by subsections (1) and (4), but who is unable to
31 meet the standards of paragraph (5)(a), paragraph (5)(b), or

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1 paragraph (5)(c), shall be awarded a certificate of completion
2 in a form prescribed by the State Board of Education. However,
3 any student who is otherwise entitled to a certificate of
4 completion may elect to remain in the secondary school either
5 as a full-time student or a part-time student for up to 1
6 additional year and receive special instruction designed to
7 remedy his or her identified deficiencies.

8 (10) The public hearing and consideration required in
9 subsection (8) shall not be construed to amend or nullify the
10 requirements of security relating to the contents of
11 examinations or assessment instruments and related materials
12 or data as prescribed in s. 1008.23.

13 (11) The Commissioner of Education may award a
14 standard high school diploma to honorably discharged veterans
15 who started high school between 1937 and 1946 and were
16 scheduled to graduate between 1941 and 1950 but were inducted
17 into the United States Armed Forces between September 16,
18 1940, and December 31, 1946, prior to completing the necessary
19 high school graduation requirements. Upon the recommendation
20 of the commissioner, the State Board of Education may develop
21 criteria and guidelines for awarding such diplomas.

22 Section 133. Section 1003.435, Florida Statutes, is
23 created to read:

24 1003.435 High school equivalency diploma program.--

25 (1) The State Board of Education shall adopt rules
26 that prescribe performance standards and provide for
27 comprehensive examinations to be administered to candidates
28 for high school equivalency diplomas. Such rules shall
29 include, but are not limited to, provisions for fees,
30 frequency of examinations, and procedures for retaking an
31 examination upon unsatisfactory performance.

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1 (2) The department may award high school equivalency
2 diplomas to candidates who meet the performance standards
3 prescribed by the State Board of Education.

4 (3) Each district school board shall offer and
5 administer the high school equivalency diploma examinations
6 and the subject area examinations to all candidates pursuant
7 to rules of the State Board of Education.

8 (4) A candidate for a high school equivalency diploma
9 shall be at least 18 years of age on the date of the
10 examination, except that in extraordinary circumstances, as
11 provided for in rules of the district school board of the
12 district in which the candidate resides or attends school, a
13 candidate may take the examination after reaching the age of
14 16.

15 (5) Each district school board shall develop, in
16 cooperation with the area community college board of trustees,
17 a plan for the provision of advanced instruction for those
18 students who attain satisfactory performance on the high
19 school equivalency examination or the subject area
20 examinations or who demonstrate through other means a
21 readiness to engage in postsecondary-level academic work. The
22 plan shall include provisions for the equitable distribution
23 of generated funds to cover personnel, maintenance, and other
24 costs of offering the advanced instruction. Priority shall be
25 given to programs of advanced instruction offered in high
26 school facilities.

27 (6)(a) All high school equivalency diplomas issued
28 under the provisions of this section shall have equal status
29 with other high school diplomas for all state purposes,
30 including admission to any state university or community
31 college.

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1 (b) The State Board of Education shall adopt rules
2 providing for the award of a standard high school diploma to
3 holders of high school equivalency diplomas who are assessed
4 as meeting designated criteria, and the commissioner shall
5 establish procedures for administering the assessment.

6 Section 134. Section 1003.436, Florida Statutes, is
7 created to read:

8 1003.436 Definition of "credit".--

9 (1)(a) For the purposes of requirements for high
10 school graduation, one full credit means a minimum of 135
11 hours of bona fide instruction in a designated course of study
12 that contains student performance standards. The State Board
13 of Education shall determine the number of postsecondary
14 credit hours earned through dual enrollment pursuant to s.
15 1007.271 that satisfy the requirements of a district's
16 interinstitutional articulation agreement according to s.
17 1007.235 and that equal one full credit of the equivalent high
18 school course identified pursuant to s. 1007.271(6).

19 (b) The hourly requirements for one-half credit are
20 one-half the requirements specified in paragraph (a).

21 (2) In awarding credit for high school graduation,
22 each district school board shall maintain a one-half credit
23 earned system that shall include courses provided on a
24 full-year basis. A student enrolled in a full-year course
25 shall receive one-half credit if the student successfully
26 completes either the first half or the second half of a
27 full-year course but fails to successfully complete the other
28 half of the course and the averaging of the grades obtained in
29 each half would not result in a passing grade. A student
30 enrolled in a full-year course shall receive a full credit if
31 the student successfully completes either the first half or

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1 the second half of a full-year course but fails to
2 successfully complete the other half of the course and the
3 averaging of the grades obtained in each half would result in
4 a passing grade, provided that such additional requirements
5 specified in district school board policies, such as class
6 attendance, homework, participation, and other indicators of
7 performance, shall be successfully completed by the student.

8 Section 135. Section 1003.437, Florida Statutes, is
9 created to read:

10 1003.437 High school grading system.--The grading
11 system and interpretation of letter grades used in public high
12 schools shall be as follows:

13 (1) Grade "A" equals 90 percent through 100 percent,
14 has a grade point average value of 4, and is defined as
15 "outstanding progress."

16 (2) Grade "B" equals 80 percent through 89 percent,
17 has a grade point average value of 3, and is defined as "above
18 average progress."

19 (3) Grade "C" equals 70 percent through 79 percent,
20 has a grade point average value of 2, and is defined as
21 "average progress."

22 (4) Grade "D" equals 60 percent through 69 percent,
23 has a grade point average value of 1, and is defined as
24 "lowest acceptable progress."

25 (5) Grade "F" equals zero percent through 59 percent,
26 has a grade point average value of zero, and is defined as
27 "failure."

28 (6) Grade "I" equals zero percent, has a grade point
29 average value of zero, and is defined as "incomplete."

30
31 For the purposes of class ranking, district school boards may

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1 exercise a weighted grading system.
2 Section 136. Section 1003.438, Florida Statutes, is
3 created to read:
4 1003.438 Special high school graduation requirements
5 for certain exceptional students.--A student who has been
6 properly classified, in accordance with rules established by
7 the State board of Education, as "educable mentally
8 handicapped," "trainable mentally handicapped," "hearing
9 impaired," "specific learning disabled," "physically or
10 language impaired," or "emotionally handicapped" shall not be
11 required to meet all requirements of s. 1003.43 and shall,
12 upon meeting all applicable requirements prescribed by the
13 district school board pursuant to s. 1008.25, be awarded a
14 special diploma in a form prescribed by the commissioner;
15 however, such special graduation requirements prescribed by
16 the district school board must include minimum graduation
17 requirements as prescribed by the commissioner. Any such
18 student who meets all special requirements of the district
19 school board for exceptionality, but is unable to meet the
20 appropriate special state minimum requirements, shall be
21 awarded a special certificate of completion in a form
22 prescribed by the commissioner. A student who has been
23 properly classified as "profoundly handicapped" and who meets
24 the special requirements of the district school board for a
25 special diploma in accordance with requirements for any
26 exceptional student identified in this section shall be
27 awarded a special diploma; however, such a student shall
28 alternatively be eligible for a special certificate of
29 completion, in a form prescribed by the commissioner, if all
30 school requirements for students who are "profoundly
31 handicapped" have been met. However, this section does not

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1 limit or restrict the right of an exceptional student solely
2 to a special diploma or special certificate of completion.
3 Any such student shall, upon proper request, be afforded the
4 opportunity to fully meet all requirements of s. 1003.43
5 through the standard procedures established therein and
6 thereby to qualify for a standard diploma upon graduation.

7 Section 137. Section 1003.44, Florida Statutes, is
8 created to read:

9 1003.44 Patriotic programs; rules.--

10 (1) Each district school board may adopt rules to
11 require, in all of the schools of the district, programs of a
12 patriotic nature to encourage greater respect for the
13 government of the United States and its national anthem and
14 flag, subject always to other existing pertinent laws of the
15 United States or of the state. When the national anthem is
16 played, students and all civilians shall stand at attention,
17 men removing the headdress, except when such headdress is worn
18 for religious purposes. The pledge of allegiance to the flag,
19 "I pledge allegiance to the flag of the United States of
20 America and to the republic for which it stands, one nation
21 under God, indivisible, with liberty and justice for all,"
22 shall be rendered by students standing with the right hand
23 over the heart. The pledge of allegiance to the flag shall be
24 recited at the beginning of the day in each public elementary,
25 middle, and high school in the state. Each student shall be
26 informed by posting a notice in a conspicuous place that the
27 student has the right not to participate in reciting the
28 pledge. Upon written request by his or her parent, the student
29 must be excused from reciting the pledge. When the pledge is
30 given, civilians must show full respect to the flag by
31 standing at attention, men removing the headdress, except when

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1 such headdress is worn for religious purposes, as provided by
2 Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat.
3 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved
4 December 22, 1942.

5 (2) Each district school board may allow any teacher
6 or administrator to read, or to post in a public school
7 building or classroom or at any school-related event, any
8 excerpt or portion of the following historic material: the
9 national motto; the national anthem; the pledge of allegiance;
10 the Constitution of the State of Florida, including the
11 Preamble; the Constitution of the United States, including the
12 Preamble; the Bill of Rights; the Declaration of Independence;
13 the Mayflower Compact; the Emancipation Proclamation; the
14 writings, speeches, documents, and proclamations of the
15 presidents of the United States, the signers of the
16 Constitution of the United States and the Declaration of
17 Independence, and civil rights leaders; and decisions of the
18 United States Supreme Court. However, any material that is
19 read, posted, or taught pursuant to this provision may be
20 presented only from a historical perspective and in a
21 nonproselytizing manner. When less than an entire document is
22 used, the excerpt or portion must include as much material as
23 is reasonably necessary to reflect the sentiment of the entire
24 document and avoid expressing statements out of the context in
25 which they were originally made. If the material refers to
26 laws or judicial decisions that have been superseded, the
27 material must be accompanied by a statement indicating that
28 such law or decision is no longer the law of the land. No
29 material shall be selected to advance a particular religious,
30 political, or sectarian purpose. The department shall
31 distribute a copy of this section to each district school

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1 board, whereupon each district school superintendent shall
2 distribute a copy to all teachers and administrators.

3 Section 138. Section 1003.45, Florida Statutes, is
4 created to read:

5 1003.45 Permitting study of the Bible and religion;
6 permitting brief meditation period.--

7 (1) The district school board may install in the
8 public schools in the district a secular program of education
9 including, but not limited to, an objective study of the Bible
10 and of religion.

11 (2) The district school board may provide that a brief
12 period, not to exceed 2 minutes, for the purpose of silent
13 prayer or meditation be set aside at the start of each school
14 day or each school week in the public schools in the district.

15 Section 139. Section 1003.46, Florida Statutes, is
16 created to read:

17 1003.46 Health education; instruction in acquired
18 immune deficiency syndrome.--

19 (1) Each district school board may provide instruction
20 in acquired immune deficiency syndrome education as a specific
21 area of health education. Such instruction may include, but
22 is not limited to, the known modes of transmission, signs and
23 symptoms, risk factors associated with acquired immune
24 deficiency syndrome, and means used to control the spread of
25 acquired immune deficiency syndrome. The instruction shall be
26 appropriate for the grade and age of the student and shall
27 reflect current theory, knowledge, and practice regarding
28 acquired immune deficiency syndrome and its prevention.

29 (2) Throughout instruction in acquired immune
30 deficiency syndrome, sexually transmitted diseases, or health
31 education, when such instruction and course material contains

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1 instruction in human sexuality, a school shall:

2 (a) Teach abstinence from sexual activity outside of
3 marriage as the expected standard for all school-age students
4 while teaching the benefits of monogamous heterosexual
5 marriage.

6 (b) Emphasize that abstinence from sexual activity is
7 a certain way to avoid out-of-wedlock pregnancy, sexually
8 transmitted diseases, including acquired immune deficiency
9 syndrome, and other associated health problems.

10 (c) Teach that each student has the power to control
11 personal behavior and encourage students to base actions on
12 reasoning, self-esteem, and respect for others.

13 (d) Provide instruction and material that is
14 appropriate for the grade and age of the student.

15 Section 140. Section 1003.47, Florida Statutes, is
16 created to read:

17 1003.47 Biological experiments on living subjects.--

18 (1) It is the intent of the Legislature with respect
19 to biological experiments involving living subjects by
20 students in grades K through 12 that:

21 (a) No surgery or dissection shall be performed on any
22 living mammalian vertebrate or bird. Dissection may be
23 performed on nonliving mammals or birds secured from a
24 recognized source of such specimens and under supervision of
25 qualified instructors. Students may be excused upon written
26 request of a parent.

27 (b) Lower orders of life and invertebrates may be used
28 in such experiments.

29 (c) Nonmammalian vertebrates, excluding birds, may be
30 used in biological experiments, provided that physiological
31 harm does not result from such experiments. Anatomical

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1 studies shall only be conducted on models that are
2 anatomically correct for the animal being studied or on
3 nonliving nonmammalian vertebrates secured and from a
4 recognized source of such specimens and under the supervision
5 of qualified instructors. Students may be excused from such
6 experiments upon written request of the parent.

7 (d) Observational studies of animals in the wild or in
8 zoological parks, gardens, or aquaria, or of pets, fish,
9 domestic animals, or livestock may be conducted.

10 (e) Studies of vertebrate animal cells, such as red
11 blood cells or other tissue cells, plasma or serum, or
12 anatomical specimens, such as organs, tissues, or skeletons,
13 purchased or acquired from biological supply houses or
14 research facilities or from wholesale or retail establishments
15 that supply carcasses or parts of food animals may be
16 conducted.

17 (f) Normal physiological and behavioral studies of the
18 human animal may be conducted, provided that such projects are
19 carefully selected so that neither physiological or
20 psychological harm to the subject can result from such
21 studies.

22 (g) All experiments shall be carried out under the
23 supervision of a competent science teacher who shall be
24 responsible for ensuring that the student has the necessary
25 comprehension for the study to be undertaken. Whenever
26 feasible, specifically qualified experts in the field should
27 be consulted.

28 (h) Live animals on the premises of public and private
29 elementary, middle, and high schools shall be housed and cared
30 for in a humane and safe manner. Animals shall not remain on
31 the premises of any school during periods when such school is

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1 not in session, unless adequate care is provided for such
2 animals.

3 (2) The provisions of this section shall not be
4 construed to prohibit or constrain conventional instruction in
5 the normal practices of animal husbandry or exhibition of any
6 livestock in connection with any agricultural program or
7 instruction of advanced students participating in advanced
8 research, scientific studies, or projects.

9 (3) If any instructional employee of a public high
10 school or area technical center knowingly or intentionally
11 fails or refuses to comply with any of the provisions of this
12 section, the district school board may suspend, dismiss,
13 return to annual contract, or otherwise discipline such
14 employee as provided in s. 1012.22(1)(f) in accordance with
15 procedures established in chapter 1012. If any instructional
16 employee of any private school knowingly or intentionally
17 fails or refuses to comply with the provisions of this
18 section, the governing authority of the private school may
19 suspend, dismiss, or otherwise discipline such employee in
20 accordance with its standard personnel procedures.

21 Section 141. Section 1003.48, Florida Statutes, is
22 created to read:

23 1003.48 Instruction in operation of motor vehicles.--

24 (1) A course of study and instruction in the safe and
25 lawful operation of a motor vehicle shall be made available by
26 each district school board to students in the secondary
27 schools in the state. As used in this section, the term
28 "motor vehicle" shall have the same meaning as in s.
29 320.01(1)(a) and shall include motorcycles and mopeds.
30 Instruction in motorcycle or moped operation may be limited to
31 classroom instruction. The course shall not be made a part

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1 of, or a substitute for, any of the minimum requirements for
2 graduation.

3 (2) In order to make such a course available to any
4 secondary school student, the district school board may use
5 any one of the following procedures or any combination
6 thereof:

7 (a) Utilize instructional personnel employed by the
8 district school board.

9 (b) Contract with a commercial driving school licensed
10 under the provisions of chapter 488.

11 (c) Contract with an instructor certified under the
12 provisions of chapter 488.

13 (3)(a) District school boards shall earn funds on
14 full-time equivalent students at the appropriate basic program
15 cost factor, regardless of the method by which such courses
16 are offered.

17 (b) For the purpose of financing the Driver Education
18 Program in the secondary schools, there shall be levied an
19 additional 50 cents per year to the driver's license fee
20 required by s. 322.21. The additional fee shall be promptly
21 remitted to the Department of Highway Safety and Motor
22 Vehicles, which shall transmit the fee to the Treasurer to be
23 deposited in the General Revenue Fund.

24 (4) The district school board shall prescribe
25 standards for the course required by this section and for
26 instructional personnel directly employed by the district
27 school board. Any certified instructor or licensed commercial
28 driving school shall be deemed sufficiently qualified and
29 shall not be required to meet any standards in lieu of or in
30 addition to those prescribed under chapter 488.

31 Section 142. Section 1003.49, Florida Statutes, is

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1 created to read:

2 1003.49 Graduation and promotion requirements for
3 publicly operated schools.--

4 (1) Each state or local public agency, including the
5 Department of Children and Family Services, the Department of
6 Corrections, the boards of trustees of universities and
7 community colleges, and the Board of Trustees of the Florida
8 School for the Deaf and the Blind, which agency is authorized
9 to operate educational programs for students at any level of
10 grades kindergarten through 12 shall be subject to all
11 applicable requirements of ss. 1003.43, 1008.23, and 1008.25.
12 Within the content of these cited statutes each such state or
13 local public agency or entity shall be considered a "district
14 school board."

15 (2) The Commissioner of Education shall establish
16 procedures to extend the state-administered assessment program
17 to school programs operated by such state or local public
18 agencies or entities in the same manner and to the same extent
19 as such program is administered in each district school
20 system.

21 Section 143. Section 1003.491, Florida Statutes, is
22 created to read:

23 1003.491 Career and technical education.--

24 (1) School board, superintendent, and school
25 accountability for career and technical education within
26 elementary and secondary schools includes, but is not limited
27 to:

28 (a) Student exposure to a variety of careers and
29 provision of instruction to explore specific careers in
30 greater depth.

31 (b) Student awareness of available career and

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1 technical programs and the corresponding occupations into
2 which such programs lead.

3 (c) Student development of individual career plans.

4 (d) Integration of academic and career and technical
5 skills in the secondary curriculum.

6 (e) Student preparation to enter the workforce and
7 enroll in postsecondary education without being required to
8 complete college preparatory or vocational preparatory
9 instruction.

10 (f) Student retention in school through high school
11 graduation.

12 (g) Career and technical curriculum articulation with
13 corresponding postsecondary programs in the local area
14 technical center or community college, or both.

15 (2) No school board or public school shall require a
16 student to participate in any school-to-work or job training
17 program. A district school board or school shall not require a
18 student to meet occupational standards for grade level
19 promotion or graduation unless the student is voluntarily
20 enrolled in a job training program.

21 Section 144. Part V of chapter 1003, Florida Statutes,
22 shall be entitled "Specialized Instruction For Certain Public
23 K-12 Students" and shall consist of ss. 1003.51-1003.58.

24 Section 145. Section 1003.51, Florida Statutes, is
25 created to read:

26 1003.51 Other public educational services.--

27 (1) The general control of other public educational
28 services shall be vested in the State Board of Education
29 except as provided herein. The State Board of Education
30 shall, at the request of the Department of Children and Family
31 Services and the Department of Juvenile Justice, advise as to

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1 standards and requirements relating to education to be met in
2 all state schools or institutions under their control which
3 provide educational programs. The Department of Education
4 shall provide supervisory services for the educational
5 programs of all such schools or institutions. The direct
6 control of any of these services provided as part of the
7 district program of education shall rest with the district
8 school board. These services shall be supported out of state,
9 district, federal, or other lawful funds, depending on the
10 requirements of the services being supported.

11 (2) The State Board of Education shall adopt and
12 maintain an administrative rule articulating expectations for
13 effective education programs for youth in Department of
14 Juvenile Justice programs, including, but not limited to,
15 education programs in juvenile justice commitment and
16 detention facilities. The rule shall articulate policies and
17 standards for education programs for youth in Department of
18 Juvenile Justice programs and shall include the following:

19 (a) The interagency collaborative process needed to
20 ensure effective programs with measurable results.

21 (b) The responsibilities of the Department of
22 Education, the Department of Juvenile Justice, district school
23 boards, and providers of education services to youth in
24 Department of Juvenile Justice programs.

25 (c) Academic expectations.

26 (d) Service delivery options available to district
27 school boards, including direct service and contracting.

28 (e) Assessment procedures, which:

29 1. Include appropriate academic and career and
30 technical assessments administered at program entry and exit
31 that are selected by the Department of Education in

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1 partnership with representatives from the Department of
2 Juvenile Justice, district school boards, and providers.

3 2. Require district school boards to be responsible
4 for ensuring the completion of the assessment process.

5 3. Require assessments for students in detention who
6 will move on to commitment facilities, to be designed to
7 create the foundation for developing the student's education
8 program in the assigned commitment facility.

9 4. Require assessments of students sent directly to
10 commitment facilities to be completed within the first week of
11 the student's commitment.

12
13 The results of these assessments, together with a portfolio
14 depicting the student's academic and career and technical
15 accomplishments, shall be included in the discharge package
16 assembled for each youth.

17 (f) Recommended instructional programs, including, but
18 not limited to, career and technical training and job
19 preparation.

20 (g) Funding requirements, which shall include the
21 requirement that at least 80 percent of the FEFP funds
22 generated by students in Department of Juvenile Justice
23 programs be spent on instructional costs for those students.
24 One hundred percent of the formula-based categorical funds
25 generated by students in Department of Juvenile Justice
26 programs must be spent on appropriate categoricals such as
27 instructional materials and public school technology for those
28 students.

29 (h) Qualifications of instructional staff, procedures
30 for the selection of instructional staff, and procedures to
31 ensure consistent instruction and qualified staff year round.

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1 (i) Transition services, including the roles and
2 responsibilities of appropriate personnel in school districts,
3 provider organizations, and the Department of Juvenile
4 Justice.

5 (j) Procedures and timeframe for transfer of education
6 records when a youth enters and leaves a facility.

7 (k) The requirement that each district school board
8 maintain an academic transcript for each student enrolled in a
9 juvenile justice facility that delineates each course
10 completed by the student as provided by the State Course Code
11 Directory.

12 (l) The requirement that each district school board
13 make available and transmit a copy of a student's transcript
14 in the discharge packet when the student exits a facility.

15 (m) Contract requirements.

16 (n) Performance expectations for providers and
17 district school boards, including the provision of an academic
18 improvement plan as required in s. 1008.25.

19 (o) The role and responsibility of the district school
20 board in securing workforce development funds.

21 (p) A series of graduated sanctions for district
22 school boards whose educational programs in Department of
23 Juvenile Justice facilities are considered to be
24 unsatisfactory and for instances in which district school
25 boards fail to meet standards prescribed by law, rule, or
26 State Board of Education policy. These sanctions shall include
27 the option of requiring a district school board to contract
28 with a provider or another district school board if the
29 educational program at the Department of Juvenile Justice
30 facility has failed a quality assurance review and, after 6
31 months, is still performing below minimum standards.

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- 1 (g) Other aspects of program operations.
- 2 (3) The Department of Education in partnership with
3 the Department of Juvenile Justice, the district school
4 boards, and providers shall:
- 5 (a) Maintain model contracts for the delivery of
6 appropriate education services to youth in Department of
7 Juvenile Justice programs to be used for the development of
8 future contracts. The model contracts shall reflect the policy
9 and standards included in subsection (2). The Department of
10 Education shall ensure that appropriate district school board
11 personnel are trained and held accountable for the management
12 and monitoring of contracts for education programs for youth
13 in juvenile justice residential and nonresidential facilities.
- 14 (b) Maintain model procedures for transitioning youth
15 into and out of Department of Juvenile Justice programs. These
16 procedures shall reflect the policy and standards adopted
17 pursuant to subsection (2).
- 18 (c) Maintain standardized required content of
19 education records to be included as part of a youth's
20 commitment record. These requirements shall reflect the policy
21 and standards adopted pursuant to subsection (2) and shall
22 include, but not be limited to, the following:
- 23 1. A copy of the student's individual educational
24 plan.
- 25 2. Assessment data, including grade level proficiency
26 in reading, writing, and mathematics, and performance on tests
27 taken according to s. 1008.22.
- 28 3. A copy of the student's permanent cumulative
29 record.
- 30 4. A copy of the student's academic transcript.
- 31 5. A portfolio reflecting the youth's academic

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1 accomplishments while in the Department of Juvenile Justice
2 program.

3 (d) Maintain model procedures for securing the
4 education record and the roles and responsibilities of the
5 juvenile probation officer and others involved in the
6 withdrawal of the student from school and assignment to a
7 commitment or detention facility. District school boards shall
8 respond to requests for student education records received
9 from another district school board or a juvenile justice
10 facility within 5 working days after receiving the request.

11 (4) The Department of Education shall ensure that
12 district school boards notify students in juvenile justice
13 residential or nonresidential facilities who attain the age of
14 16 years of the provisions of law regarding compulsory school
15 attendance and make available the option of enrolling in a
16 program to attain a Florida high school diploma by taking the
17 general educational development test prior to release from the
18 facility. District school boards or community colleges, or
19 both, shall waive GED testing fees for youth in Department of
20 Juvenile Justice residential programs and shall, upon request,
21 designate schools operating for the purpose of providing
22 educational services to youth in Department of Juvenile
23 Justice programs as GED testing centers, subject to GED
24 testing center requirements. The administrative fees for the
25 general education development test required by the Department
26 of Education are the responsibility of district school boards
27 and may be required of providers by contractual agreement.

28 (5) The Department of Education shall establish and
29 operate, either directly or indirectly through a contract, a
30 mechanism to provide quality assurance reviews of all juvenile
31 justice education programs and shall provide technical

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1 assistance and related research to district school boards and
2 providers on how to establish, develop, and operate
3 educational programs that exceed the minimum quality assurance
4 standards.

5 Section 146. Section 1003.52, Florida Statutes, is
6 created to read:

7 1003.52 Educational services in Department of Juvenile
8 Justice programs.--

9 (1) The Legislature finds that education is the single
10 most important factor in the rehabilitation of adjudicated
11 delinquent youth in the custody of the Department of Juvenile
12 Justice in detention or commitment facilities. It is the goal
13 of the Legislature that youth in the juvenile justice system
14 continue to be allowed the opportunity to obtain a high
15 quality education. The Department of Education shall serve as
16 the lead agency for juvenile justice education programs,
17 curriculum, support services, and resources. To this end, the
18 Department of Education and the Department of Juvenile Justice
19 shall each designate a Coordinator for Juvenile Justice
20 Education Programs to serve as the point of contact for
21 resolving issues not addressed by district school boards and
22 to provide each department's participation in the following
23 activities:

24 (a) Training, collaborating, and coordinating with the
25 Department of Juvenile Justice, district school boards,
26 educational contract providers, and juvenile justice
27 providers, whether state operated or contracted.

28 (b) Collecting information on the academic performance
29 of students in juvenile justice commitment and detention
30 programs and reporting on the results.

31 (c) Developing academic and career and technical

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1 protocols that provide guidance to district school boards and
2 providers in all aspects of education programming, including
3 records transfer and transition.

4 (d) Prescribing the roles of program personnel and
5 interdepartmental district school board or provider
6 collaboration strategies.

7
8 Annually, a cooperative agreement and plan for juvenile
9 justice education service enhancement shall be developed
10 between the Department of Juvenile Justice and the Department
11 of Education and submitted to the Secretary of Juvenile
12 Justice and the Commissioner of Education by June 30.

13 (2) Students participating in a detention, commitment,
14 or rehabilitation program pursuant to chapter 985 which is
15 sponsored by a community-based agency or is operated or
16 contracted for by the Department of Juvenile Justice shall
17 receive educational programs according to rules of the State
18 Board of Education. These students shall be eligible for
19 services afforded to students enrolled in programs pursuant to
20 s. 1003.53 and all corresponding State Board of Education
21 rules.

22 (3) The district school board of the county in which
23 the residential or nonresidential care facility or juvenile
24 assessment facility is located shall provide appropriate
25 educational assessments and an appropriate program of
26 instruction and special education services. The district
27 school board shall make provisions for each student to
28 participate in basic, career and technical education, and
29 exceptional student programs as appropriate. Students served
30 in Department of Juvenile Justice programs shall have access
31 to the appropriate courses and instruction to prepare them for

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1 the GED test. Students participating in GED preparation
2 programs shall be funded at the basic program cost factor for
3 Department of Juvenile Justice programs in the Florida
4 Education Finance Program. Each program shall be conducted
5 according to applicable law providing for the operation of
6 public schools and rules of the State Board of Education.

7 (4) Educational services shall be provided at times of
8 the day most appropriate for the juvenile justice program.
9 School programming in juvenile justice detention, commitment,
10 and rehabilitation programs shall be made available by the
11 local school district during the juvenile justice school year,
12 as defined in s. 1003.01(12).

13 (5) The educational program shall consist of
14 appropriate basic academic, career and technical, or
15 exceptional curricula and related services which support the
16 treatment goals and reentry and which may lead to completion
17 of the requirements for receipt of a high school diploma or
18 its equivalent. If the duration of a program is less than 40
19 days, the educational component may be limited to tutorial
20 activities and career and technical employability skills.

21 (6) Participation in the program by students of
22 compulsory school-attendance age as provided for in s. 1003.21
23 shall be mandatory. All students of noncompulsory
24 school-attendance age who have not received a high school
25 diploma or its equivalent shall participate in the educational
26 program, unless the student files a formal declaration of his
27 or her intent to terminate school enrollment as described in
28 s. 1003.21 and is afforded the opportunity to take the general
29 educational development test and attain a Florida high school
30 diploma prior to release from a facility. A youth who has
31 received a high school diploma or its equivalent and is not

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1 employed shall participate in workforce development or other
2 career or technical education or community college or
3 university courses while in the program, subject to available
4 funding.

5 (7) An academic improvement plan shall be developed
6 for students who score below the level specified in district
7 school board policy in reading, writing, and mathematics or
8 below the level specified by the Commissioner of Education on
9 statewide assessments as required by s. 1008.25. These plans
10 shall address academic, literacy, and life skills and shall
11 include provisions for intensive remedial instruction in the
12 areas of weakness.

13 (8) Each district school board shall maintain an
14 academic record for each student enrolled in a juvenile
15 justice facility as prescribed by s. 1003.51. Such record
16 shall delineate each course completed by the student according
17 to procedures in the State Course Code Directory. The district
18 school board shall include a copy of a student's academic
19 record in the discharge packet when the student exits the
20 facility.

21 (9) The Department of Education shall ensure that all
22 district school boards make provisions for high school level
23 committed youth to earn credits toward high school graduation
24 while in residential and nonresidential juvenile justice
25 facilities. Provisions must be made for the transfer of
26 credits and partial credits earned.

27 (10) The district school board shall recruit and train
28 teachers who are interested, qualified, or experienced in
29 educating students in juvenile justice programs. Students in
30 juvenile justice programs shall be provided a wide range of
31 educational programs and opportunities including textbooks,

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1 technology, instructional support, and other resources
2 available to students in public schools. Teachers assigned to
3 educational programs in juvenile justice settings in which the
4 district school board operates the educational program shall
5 be selected by the district school board in consultation with
6 the director of the juvenile justice facility. Educational
7 programs in juvenile justice facilities shall have access to
8 the substitute teacher pool utilized by the district school
9 board. Full-time teachers working in juvenile justice schools,
10 whether employed by a district school board or a provider,
11 shall be eligible for the critical teacher shortage tuition
12 reimbursement program as defined by s. 1009.58.

13 (11) District school boards may contract with a
14 private provider for the provision of educational programs to
15 youths placed with the Department of Juvenile Justice and
16 shall generate local, state, and federal funding, including
17 funding through the Florida Education Finance Program for such
18 students. The district school board's planning and budgeting
19 process shall include the needs of Department of Juvenile
20 Justice programs in the district school board's plan for
21 expenditures for state categorical and federal funds.

22 (12) The district school board shall fund the
23 educational program in a Department of Juvenile Justice
24 facility at the same or higher level of funding for equivalent
25 students in the district school system based on the funds
26 generated by state funding through the Florida Education
27 Finance Program for such students. It is the intent of the
28 Legislature that the school district maximize its available
29 local, state, and federal funding to a juvenile justice
30 program.

31 (a) Juvenile justice educational programs shall be

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1 funded in the appropriate FEFP program based on the
2 educational services needed by the student for Department of
3 Juvenile Justice programs in accordance with s. 1011.62.

4 (b) Juvenile justice educational programs to receive
5 the appropriate FEFP funding for Department of Juvenile
6 Justice programs shall include those operated through a
7 contract with the Department of Juvenile Justice and which are
8 under purview of the Department of Juvenile Justice quality
9 assurance standards for education.

10 (c) Consistent with the rules of the State Board of
11 Education, district school boards are required to request an
12 alternative FTE survey for Department of Juvenile Justice
13 programs experiencing fluctuations in student enrollment.

14 (d) FTE count periods shall be prescribed in rules of
15 the State Board of Education and shall be the same for
16 programs of the Department of Juvenile Justice as for other
17 public school programs. The summer school period for students
18 in Department of Juvenile Justice programs shall begin on the
19 day immediately following the end of the regular school year
20 and end on the day immediately preceding the subsequent
21 regular school year. Students shall be funded for no more than
22 25 hours per week of direct instruction.

23 (13) Each district school board shall negotiate a
24 cooperative agreement with the Department of Juvenile Justice
25 on the delivery of educational services to youths under the
26 jurisdiction of the Department of Juvenile Justice. Such
27 agreement must include, but is not limited to:

28 (a) Roles and responsibilities of each agency,
29 including the roles and responsibilities of contract
30 providers.

31 (b) Administrative issues including procedures for

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- 1 sharing information.
- 2 (c) Allocation of resources including maximization of
3 local, state, and federal funding.
- 4 (d) Procedures for educational evaluation for
5 educational exceptionalities and special needs.
- 6 (e) Curriculum and delivery of instruction.
- 7 (f) Classroom management procedures and attendance
8 policies.
- 9 (g) Procedures for provision of qualified
10 instructional personnel, whether supplied by the district
11 school board or provided under contract by the provider, and
12 for performance of duties while in a juvenile justice setting.
- 13 (h) Provisions for improving skills in teaching and
14 working with juvenile delinquents.
- 15 (i) Transition plans for students moving into and out
16 of juvenile facilities.
- 17 (j) Procedures and timelines for the timely
18 documentation of credits earned and transfer of student
19 records.
- 20 (k) Methods and procedures for dispute resolution.
- 21 (l) Provisions for ensuring the safety of education
22 personnel and support for the agreed-upon education program.
- 23 (m) Strategies for correcting any deficiencies found
24 through the quality assurance process.
- 25 (14) Nothing in this section or in a cooperative
26 agreement shall be construed to require the district school
27 board to provide more services than can be supported by the
28 funds generated by students in the juvenile justice programs.
- 29 (15)(a) The Department of Education in consultation
30 with the Department of Juvenile Justice, district school
31 boards, and providers shall establish objective and measurable

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1 quality assurance standards for the educational component of
2 residential and nonresidential juvenile justice facilities.
3 These standards shall rate the district school board's
4 performance both as a provider and contractor. The quality
5 assurance rating for the educational component shall be
6 disaggregated from the overall quality assurance score and
7 reported separately.

8 (b) The Department of Education shall develop a
9 comprehensive quality assurance review process and schedule
10 for the evaluation of the educational component in juvenile
11 justice programs. The Department of Juvenile Justice quality
12 assurance site visit and the education quality assurance site
13 visit shall be conducted during the same visit.

14 (c) The Department of Education, in consultation with
15 district school boards and providers, shall establish minimum
16 thresholds for the standards and key indicators for
17 educational programs in juvenile justice facilities. If a
18 district school board fails to meet the established minimum
19 standards, it will be given 6 months to achieve compliance
20 with the standards. If after 6 months, the district school
21 board's performance is still below minimum standards, the
22 Department of Education shall exercise sanctions as prescribed
23 by rules adopted by the State Board of Education. If a
24 provider, under contract with the district school board, fails
25 to meet minimum standards, such failure shall cause the
26 district school board to cancel the provider's contract unless
27 the provider achieves compliance within 6 months or unless
28 there are documented extenuating circumstances.

29 (16) The district school board shall not be charged
30 any rent, maintenance, utilities, or overhead on such
31 facilities. Maintenance, repairs, and remodeling of existing

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1 facilities shall be provided by the Department of Juvenile
2 Justice.

3 (17) When additional facilities are required, the
4 district school board and the Department of Juvenile Justice
5 shall agree on the appropriate site based on the instructional
6 needs of the students. When the most appropriate site for
7 instruction is on district school board property, a special
8 capital outlay request shall be made by the commissioner in
9 accordance with s. 1013.60. When the most appropriate site is
10 on state property, state capital outlay funds shall be
11 requested by the Department of Juvenile Justice provided by s.
12 216.043 and shall be submitted as specified by s. 216.023.
13 Any instructional facility to be built on state property shall
14 have educational specifications jointly developed by the
15 district school board and the Department of Juvenile Justice
16 and approved by the Department of Education. The size of
17 space and occupant design capacity criteria as provided by
18 State Board of Education rules shall be used for remodeling or
19 new construction whether facilities are provided on state
20 property or district school board property.

21 (18) The parent of an exceptional student shall have
22 the due process rights provided for in chapter 1003.

23 (19) Department of Juvenile Justice detention and
24 commitment programs may be designated as second chance schools
25 pursuant to s. 1003.53(1)(d). Admission to such programs shall
26 be governed by chapter 985.

27 (20) The Department of Education and the Department of
28 Juvenile Justice, after consultation with and assistance from
29 local providers and district school boards, shall report
30 annually to the Legislature by February 1 on the progress
31 towards developing effective educational programs for juvenile

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1 delinquents, including the amount of funding provided by
2 district school boards to juvenile justice programs, the
3 amount retained for administration including documenting the
4 purposes for such expenses, the status of the development of
5 cooperative agreements, the results of the quality assurance
6 reviews including recommendations for system improvement, and
7 information on the identification of, and services provided
8 to, exceptional students in juvenile justice commitment
9 facilities to determine whether these students are properly
10 reported for funding and are appropriately served.

11 (21) The educational programs at the Arthur Dozier
12 School for Boys in Jackson County and the Florida School for
13 Boys in Okeechobee shall be operated by the Department of
14 Education, either directly or through grants or contractual
15 agreements with other public or duly accredited education
16 agencies approved by the Department of Education.

17 (22) The State Board of Education may adopt any rules
18 necessary to implement the provisions of this section,
19 including uniform curriculum, funding, and second chance
20 schools. Such rules shall require the minimum amount of
21 paperwork and reporting.

22 (23) The Department of Juvenile Justice and the
23 Department of Education shall, in consultation with the
24 statewide Workforce Development Youth Council, district school
25 boards, providers, and others, jointly develop a multiagency
26 plan for career and technical education which describes the
27 curriculum, goals, and outcome measures for career and
28 technical education programming in juvenile commitment
29 facilities, pursuant to s. 985.3155.

30 Section 147. Section 1003.53, Florida Statutes, is
31 created to read:

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1 1003.53 Dropout prevention and academic

2 intervention.--

3 (1)(a) Dropout prevention and academic intervention
4 programs may differ from traditional educational programs and
5 schools in scheduling, administrative structure, philosophy,
6 curriculum, or setting and shall employ alternative teaching
7 methodologies, curricula, learning activities, and diagnostic
8 and assessment procedures in order to meet the needs,
9 interests, abilities, and talents of eligible students. The
10 educational program shall provide curricula, character
11 development and law education, and related services that
12 support the program goals and lead to improved performance in
13 the areas of academic achievement, attendance, and discipline.
14 Student participation in such programs shall be voluntary.
15 District school boards may, however, assign students to a
16 program for disruptive students. Notwithstanding any other
17 provision of law to the contrary, no student shall be
18 identified as being eligible to receive services funded
19 through the dropout prevention and academic intervention
20 program based solely on the student being from a single-parent
21 family.

22 (b) Students in grades 1-12 shall be eligible for
23 dropout prevention and academic intervention programs.
24 Eligible students shall be reported in the appropriate basic
25 cost factor in the Florida Education Finance Program. The
26 strategies and supports provided to eligible students shall be
27 funded through the General Appropriations Act and may include,
28 but are not limited to, those services identified on the
29 student's academic intervention plan.

30 (c) A student shall be identified as being eligible to
31 receive services funded through the dropout prevention and

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1 academic intervention program based upon one of the following
2 criteria:

3 1. The student is academically unsuccessful as
4 evidenced by low test scores, retention, failing grades, low
5 grade point average, falling behind in earning credits, or not
6 meeting the state or district proficiency levels in reading,
7 mathematics, or writing.

8 2. The student has a pattern of excessive absenteeism
9 or has been identified as a habitual truant.

10 3. The student has a history of disruptive behavior in
11 school or has committed an offense that warrants out-of-school
12 suspension or expulsion from school according to the district
13 school board's code of student conduct. For the purposes of
14 this program, "disruptive behavior" is behavior that:

15 a. Interferes with the student's own learning or the
16 educational process of others and requires attention and
17 assistance beyond that which the traditional program can
18 provide or results in frequent conflicts of a disruptive
19 nature while the student is under the jurisdiction of the
20 school either in or out of the classroom; or

21 b. Severely threatens the general welfare of students
22 or others with whom the student comes into contact.

23 (d)1. "Second chance schools" means district school
24 board programs provided through cooperative agreements between
25 the Department of Juvenile Justice, private providers, state
26 or local law enforcement agencies, or other state agencies for
27 students who have been disruptive or violent or who have
28 committed serious offenses. As partnership programs, second
29 chance schools are eligible for waivers by the Commissioner of
30 Education from State Board of Education rules that prevent the
31 provision of appropriate educational services to violent,

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1 severely disruptive, or delinquent students in small
2 nontraditional settings or in court-adjudicated settings.

3 2. District school boards seeking to enter into a
4 partnership with a private entity or public entity to operate
5 a second chance school for disruptive students may apply to
6 the Department of Education for startup grants. These grants
7 must be available for 1 year and must be used to offset the
8 startup costs for implementing such programs off public school
9 campuses. General operating funds must be generated through
10 the appropriate programs of the Florida Education Finance
11 Program. Grants approved under this program shall be for the
12 full operation of the school by a private nonprofit or
13 for-profit provider or the public entity. This program must
14 operate under rules adopted by the State Board of Education
15 and be implemented to the extent funded by the Legislature.

16 3. A student enrolled in a sixth, seventh, eighth,
17 ninth, or tenth grade class may be assigned to a second chance
18 school if the student meets the following criteria:

19 a. The student is a habitual truant as defined in s.
20 1003.01.

21 b. The student's excessive absences have detrimentally
22 affected the student's academic progress and the student may
23 have unique needs that a traditional school setting may not
24 meet.

25 c. The student's high incidences of truancy have been
26 directly linked to a lack of motivation.

27 d. The student has been identified as at risk of
28 dropping out of school.

29 4. A student who is habitually truant may be assigned
30 to a second chance school only if the case staffing committee,
31 established pursuant to s. 984.12, determines that such

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1 placement could be beneficial to the student and the criteria
2 included in subparagraph 3. are met.

3 5. A student may be assigned to a second chance school
4 if the district school board in which the student resides has
5 a second chance school and if the student meets one of the
6 following criteria:

7 a. The student habitually exhibits disruptive behavior
8 in violation of the code of student conduct adopted by the
9 district school board.

10 b. The student interferes with the student's own
11 learning or the educational process of others and requires
12 attention and assistance beyond that which the traditional
13 program can provide, or, while the student is under the
14 jurisdiction of the school either in or out of the classroom,
15 frequent conflicts of a disruptive nature occur.

16 c. The student has committed a serious offense which
17 warrants suspension or expulsion from school according to the
18 district school board's code of student conduct. For the
19 purposes of this program, "serious offense" is behavior which:

20 (I) Threatens the general welfare of students or
21 others with whom the student comes into contact;

22 (II) Includes violence;

23 (III) Includes possession of weapons or drugs; or

24 (IV) Is harassment or verbal abuse of school personnel
25 or other students.

26 6. Prior to assignment of students to second chance
27 schools, district school boards are encouraged to use
28 alternative programs, such as in-school suspension, which
29 provide instruction and counseling leading to improved student
30 behavior, a reduction in the incidence of truancy, and the
31 development of more effective interpersonal skills.

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1 7. Students assigned to second chance schools must be
2 evaluated by the district school board's child study team
3 before placement in a second chance school. The study team
4 shall ensure that students are not eligible for placement in a
5 program for emotionally disturbed children.

6 8. Students who exhibit academic and social progress
7 and who wish to return to a traditional school shall complete
8 a character development and law education program and
9 demonstrate preparedness to reenter the regular school setting
10 prior to reentering a traditional school.

11 (2)(a) Each district school board may establish
12 dropout prevention and academic intervention programs at the
13 elementary, middle, junior high school, or high school level.
14 Programs designed to eliminate patterns of excessive
15 absenteeism or habitual truancy shall emphasize academic
16 performance and may provide specific instruction in the areas
17 of career education, preemployment training, and behavioral
18 management. Such programs shall utilize instructional teaching
19 methods appropriate to the specific needs of the student.

20 (b) Each school that establishes a dropout prevention
21 and academic intervention program at that school site shall
22 reflect that program in the school improvement plan as
23 required under s. 1001.42(16).

24 (3) Each district school board receiving state funding
25 for dropout prevention and academic intervention programs
26 through the General Appropriations Act shall submit
27 information through an annual report to the Department of
28 Education's database documenting the extent to which each of
29 the district's dropout prevention and academic intervention
30 programs has been successful in the areas of graduation rate,
31 dropout rate, attendance rate, and retention/promotion rate.

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1 The department shall compile this information into an annual
2 report which shall be submitted to the presiding officers of
3 the Legislature by February 15.

4 (4) Each district school board shall establish
5 procedures for ensuring that teachers assigned to dropout
6 prevention and academic intervention programs possess the
7 affective, pedagogical, and content-related skills necessary
8 to meet the needs of these students.

9 (5) Each district school board providing a dropout
10 prevention and academic intervention program pursuant to this
11 section shall maintain for each participating student records
12 documenting the student's eligibility, the length of
13 participation, the type of program to which the student was
14 assigned or the type of academic intervention services
15 provided, and an evaluation of the student's academic and
16 behavioral performance while in the program. The school
17 principal or his or her designee shall, prior to placement in
18 a dropout prevention and academic intervention program or the
19 provision of an academic service, provide written notice of
20 placement or services by certified mail, return receipt
21 requested, to the student's parent. The parent of the student
22 shall sign an acknowledgment of the notice of placement or
23 service and return the signed acknowledgment to the principal
24 within 3 days after receipt of the notice. The parents of a
25 student assigned to such a dropout prevention and academic
26 intervention program shall be notified in writing and entitled
27 to an administrative review of any action by school personnel
28 relating to such placement pursuant to the provisions of
29 chapter 120.

30 (6) District school board dropout prevention and
31 academic intervention programs shall be coordinated with

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1 social service, law enforcement, prosecutorial, and juvenile
2 justice agencies and juvenile assessment centers in the school
3 district. Notwithstanding the provisions of s. 1002.22, these
4 agencies are authorized to exchange information contained in
5 student records and juvenile justice records. Such information
6 is confidential and exempt from the provisions of s.
7 119.07(1). District school boards and other agencies receiving
8 such information shall use the information only for official
9 purposes connected with the certification of students for
10 admission to and for the administration of the dropout
11 prevention and academic intervention program, and shall
12 maintain the confidentiality of such information unless
13 otherwise provided by law or rule.

14 (7) The State Board of Education shall have the
15 authority pursuant to ss. 120.536(1) and 120.54 to adopt rules
16 necessary to implement the provisions of this section; such
17 rules shall require the minimum amount of necessary paperwork
18 and reporting.

19 Section 148. Section 1003.54, Florida Statutes, is
20 created to read:

21 1003.54 Teenage parent programs.--

22 (1) Each district school board shall maintain a
23 teenage parent program.

24 (2) "Teenage parent programs" means educational
25 programs designed to provide a specialized curriculum to meet
26 the needs of students who are pregnant or students who are
27 mothers or fathers and the children of the students.

28 (3)(a) The program shall provide pregnant students or
29 students who are parents and the children of these students
30 with a comprehensive teenage parent program. The program shall
31 provide pregnant students or students who are parents with the

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1 option of participating in regular classroom activities or
2 enrolling in a special program designed to meet their needs
3 pursuant to s. 1003.21. Students participating in teenage
4 parent programs shall be exempt from minimum attendance
5 requirements for absences related to pregnancy or parenting,
6 but shall be required to make up work missed due to absence.

7 (b) The curriculum shall include instruction in such
8 topics as prenatal and postnatal health care, parenting
9 skills, benefits of sexual abstinence, and consequences of
10 subsequent pregnancies. Parenting skills should include
11 instruction in the stages of child growth and development,
12 methods for aiding in the intellectual, language, physical,
13 and social development of children, and guidance on
14 constructive play activities.

15 (c) Provision for necessary child care, health care,
16 social services, parent education, and transportation shall be
17 ancillary service components of teenage parent programs.
18 Ancillary services may be provided through the coordination of
19 existing programs and services and through joint agreements
20 between district school boards and local school readiness
21 coalitions or other appropriate public and private providers.

22 (d) The district school board shall make adequate
23 provisions for pregnant and parenting teenagers to complete
24 the coursework necessary to earn a high school diploma.

25 (e) Children enrolled in child care provided by the
26 district shall be funded at the special program cost factor
27 pursuant to s. 1011.62 if the parent or parents are enrolled
28 full time in a public school in the district.

29 (4) Districts may modify courses listed in the State
30 Course Code Directory for the purpose of providing teenage
31 parent programs pursuant to the provisions of this section.

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1 Such modifications must be approved by the commissioner and
2 may include lengthening or shortening of the school time
3 allotted for in-class study, alternate methods of assessment
4 of student performance, and the integration of curriculum
5 frameworks or student performance standards to produce
6 interdisciplinary units of instruction.

7 (5) The State Board of Education shall adopt rules
8 necessary to implement the provisions of this section.

9 Section 149. Section 1003.55, Florida Statutes, is
10 created to read:

11 1003.55 Instructional programs for blind or visually
12 impaired students and deaf or hard-of-hearing students.--

13 (1) The Department of Education may establish a
14 coordinating unit and instructional materials center for
15 visually impaired students and deaf or hard-of-hearing
16 students to provide staff and resources for the coordination,
17 cataloging, standardizing, producing, procuring, storing, and
18 distributing of braille, large print, tangible apparatus,
19 captioned films and video tapes, and other specialized
20 educational materials needed by these students and other
21 exceptional students. The coordinating unit shall have as its
22 major purpose the improvement of instructional programs for
23 visually impaired students and deaf or hard-of-hearing
24 students and may, as a second priority, extend appropriate
25 services to other exceptional students, consistent with
26 provisions and criteria established, to the extent that
27 resources are available.

28 (2) The unit shall be operated under rules adopted by
29 the State Board of Education.

30 (3) As used in this section, the term:

31 (a) "Blind student" means a student who is eligible

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1 for special education services and who:

2 1. Has a visual acuity of 20/200 or less in the better
3 eye with correcting lenses or has a limited field of vision
4 such that the widest diameter subtends an angular distance of
5 no greater than 20 degrees; or

6 2. Has a medically indicated expectation of visual
7 deterioration.

8 (b) "Braille" means the system of reading and writing
9 through touch commonly known as standard English braille.

10 (c) "Individualized education program" means a written
11 statement developed for a student eligible for special
12 education services pursuant to s. 602(a)(20), Part A of the
13 Individuals with Disabilities Education Act, 20 U.S.C. s.
14 1401(a).

15 (4) In developing an individualized written education
16 program for each blind student, the presumption shall be that
17 blind students can communicate effectively and efficiently
18 with the same level of proficiency expected of the students'
19 peers of comparable ability and grade level. Accordingly,
20 proficiency in reading and writing braille shall be considered
21 during the individualized planning and assessment processes in
22 this context.

23 (5) Any publisher of a textbook adopted pursuant to
24 the state instructional materials adoption process shall
25 furnish the Department of Education with a computer file in an
26 electronic format specified by the department at least 2 years
27 in advance that is readily translatable to braille and can be
28 used for large print or speech access. Any textbook
29 reproduced pursuant to the provisions of this subsection shall
30 be purchased at a price equal to the price paid for the
31 textbook as adopted. The Department of Education shall not

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1 reproduce textbooks obtained pursuant to this subsection in
2 any manner that would generate revenues for the department
3 from the use of such computer files or that would preclude the
4 rightful payment of fees to the publisher for use of all or
5 some portion of the textbook.

6 Section 150. Section 1003.56, Florida Statutes, is
7 created to read:

8 1003.56 English language instruction for limited
9 English proficient students.--

10 (1) Instruction in the English language shall be
11 provided to limited English proficient students. Such
12 instruction shall be designed to develop the student's mastery
13 of the four language skills, including listening, speaking,
14 reading, and writing, as rapidly as possible.

15 (2)(a) "Limited English proficient" or "limited
16 English proficiency," when used with reference to an
17 individual, means:

18 1.a. An individual who was not born in the United
19 States and whose native language is a language other than
20 English;

21 b. An individual who comes from a home environment
22 where a language other than English is spoken in the home; or

23 c. An individual who is an American Indian or Alaskan
24 native and who comes from an environment where a language
25 other than English has had a significant impact on his or her
26 level of English language proficiency; and

27 2. Who, by reason thereof, has sufficient difficulty
28 speaking, reading, writing, or listening to the English
29 language to deny such individual the opportunity to learn
30 successfully in classrooms where the language of instruction
31 is English.

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1 (b) "Home language" or "native language," when used
2 with reference to an individual of limited English
3 proficiency, means the language normally used by such
4 individual or, in the case of a student, the language normally
5 used by the parents of the student.

6 (c) "ESOL" means English for Speakers of Other
7 Languages and:

8 1. When modifying instruction, the strategy used to
9 teach limited English proficient students; or

10 2. When modifying program, the program funded in the
11 Florida Education Finance Program, listed under English for
12 Speakers of Other Languages in s. 1011.62.

13 (3) Each district school board shall implement the
14 following procedures:

15 (a) Develop and submit a plan for providing English
16 language instruction for limited English proficient students
17 to the Department of Education for review and approval.

18 (b) Identify limited English proficient students
19 through assessment.

20 (c) Provide for student exit from and reclassification
21 into the program.

22 (d) Provide limited English proficient students ESOL
23 instruction in English and ESOL instruction or home language
24 instruction in the basic subject areas of reading,
25 mathematics, science, social studies, and computer literacy.

26 (e) Maintain a student plan.

27 (f) Provide qualified teachers.

28 (g) Provide equal access to other programs for
29 eligible limited English proficient students based on need.

30 (h) Provide for parental involvement in the program.

31 (4) Each district school board's program for limited

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1 English proficient students shall be evaluated and monitored
2 periodically.

3 (5) The State Board of Education shall adopt rules for
4 the purpose of implementing this section.

5 Section 151. Section 1003.57, Florida Statutes, is
6 created to read:

7 1003.57 Exceptional students instruction.--Each
8 district school board shall provide for an appropriate program
9 of special instruction, facilities, and services for
10 exceptional students as prescribed by the State Board of
11 Education as acceptable, including provisions that:

12 (1) The district school board provide the necessary
13 professional services for diagnosis and evaluation of
14 exceptional students.

15 (2) The district school board provide the special
16 instruction, classes, and services, either within the district
17 school system, in cooperation with other district school
18 systems, or through contractual arrangements with approved
19 private schools or community facilities that meet standards
20 established by the commissioner.

21 (3) The district school board annually provide
22 information describing the Florida School for the Deaf and the
23 Blind and all other programs and methods of instruction
24 available to the parent of a sensory-impaired student.

25 (4) The district school board, once every 3 years,
26 submit to the department its proposed procedures for the
27 provision of special instruction and services for exceptional
28 students.

29 (5) No student be given special instruction or
30 services as an exceptional student until after he or she has
31 been properly evaluated, classified, and placed in the manner

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1 prescribed by rules of the State Board of Education. The
2 parent of an exceptional student evaluated and placed or
3 denied placement in a program of special education shall be
4 notified of each such evaluation and placement or denial. Such
5 notice shall contain a statement informing the parent that he
6 or she is entitled to a due process hearing on the
7 identification, evaluation, and placement, or lack thereof.
8 Such hearings shall be exempt from the provisions of ss.
9 120.569, 120.57, and 286.011, except to the extent that the
10 State Board of Education adopts rules establishing other
11 procedures and any records created as a result of such
12 hearings shall be confidential and exempt from the provisions
13 of s. 119.07(1). The hearing must be conducted by an
14 administrative law judge from the Division of Administrative
15 Hearings of the Department of Management Services. The
16 decision of the administrative law judge shall be final,
17 except that any party aggrieved by the finding and decision
18 rendered by the administrative law judge shall have the right
19 to bring a civil action in the circuit court. In such an
20 action, the court shall receive the records of the
21 administrative hearing and shall hear additional evidence at
22 the request of either party. In the alternative, any party
23 aggrieved by the finding and decision rendered by the
24 administrative law judge shall have the right to request an
25 impartial review of the administrative law judge's order by
26 the district court of appeal as provided by s. 120.68.
27 Notwithstanding any law to the contrary, during the pendency
28 of any proceeding conducted pursuant to this section, unless
29 the district school board and the parents otherwise agree, the
30 student shall remain in his or her then-current educational
31 assignment or, if applying for initial admission to a public

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1 school, shall be assigned, with the consent of the parents, in
2 the public school program until all such proceedings have been
3 completed.

4 (6) In providing for the education of exceptional
5 students, the district school superintendent, principals, and
6 teachers shall utilize the regular school facilities and adapt
7 them to the needs of exceptional students to the maximum
8 extent appropriate. Segregation of exceptional students shall
9 occur only if the nature or severity of the exceptionality is
10 such that education in regular classes with the use of
11 supplementary aids and services cannot be achieved
12 satisfactorily.

13 (7) In addition to the services agreed to in a
14 student's individual education plan, the district school
15 superintendent shall fully inform the parent of a student
16 having a physical or developmental disability of all available
17 services that are appropriate for the student's disability.
18 The superintendent shall provide the student's parent with a
19 summary of the student's rights.

20 Section 152. Section 1003.58, Florida Statutes, is
21 created to read:

22 1003.58 Students in residential care facilities.--Each
23 district school board shall provide educational programs
24 according to rules of the State Board of Education to students
25 who reside in residential care facilities operated by the
26 Department of Children and Family Services.

27 (1) The district school board shall not be charged any
28 rent, maintenance, utilities, or overhead on such facilities.
29 Maintenance, repairs, and remodeling of existing facilities
30 shall be provided by the Department of Children and Family
31 Services.

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1 (2) If additional facilities are required, the
2 district school board and the Department of Children and
3 Family Services shall agree on the appropriate site based on
4 the instructional needs of the students. When the most
5 appropriate site for instruction is on district school board
6 property, a special capital outlay request shall be made by
7 the commissioner in accordance with s. 1013.60. When the most
8 appropriate site is on state property, state capital outlay
9 funds shall be requested by the Department of Children and
10 Family Services as provided by s. 216.043 and shall be
11 submitted as specified by s. 216.023. Any instructional
12 facility to be built on state property shall have educational
13 specifications jointly developed by the school district and
14 the Department of Children and Family Services and approved by
15 the Department of Education. The size of space and occupant
16 design capacity criteria as provided by state board rules
17 shall be used for remodeling or new construction whether
18 facilities are provided on state property or district school
19 board property. The planning of such additional facilities
20 shall incorporate current Department of Children and Family
21 Services deinstitutionalization plans.

22 (3) The district school board shall have full and
23 complete authority in the matter of the assignment and
24 placement of such students in educational programs. The parent
25 of an exceptional student shall have the same due process
26 rights as are provided under s. 1003.57(5).

27 (4) The district school board shall have a written
28 agreement with the Department of Children and Family Services
29 outlining the respective duties and responsibilities of each
30 party.

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1 Notwithstanding the provisions herein, the educational program
2 at the Marianna Sunland Center in Jackson County shall be
3 operated by the Department of Education, either directly or
4 through grants or contractual agreements with other public or
5 duly accredited educational agencies approved by the
6 Department of Education.

7 Section 153. Part VI of chapter 1003, Florida
8 Statutes, shall be entitled "Pilot Public K-12 Education
9 Programs" and shall consist of ss. 1003.61-1003.63.

10 Section 154. Section 1003.61, Florida Statutes, is
11 created to read:

12 1003.61 Pilot attendance project.--It is the purpose
13 of this section to require the Manatee County District School
14 Board to implement a pilot project that raises the compulsory
15 age of attendance for children from the age of 16 years to the
16 age of 18 years. The pilot project applies to each child who
17 has not attained the age of 16 years by September 30 of the
18 school year in which a school board policy is adopted.

19 (1) Beginning July 1, 1999, the Manatee County
20 District School Board shall implement a pilot project
21 consistent with policy adopted by the school board to raise
22 the compulsory age of attendance for children from the age of
23 16 years to the age of 18 years.

24 (2) The district school board must, before the
25 beginning of the school year, adopt a policy for raising the
26 compulsory age of attendance for children from the age of 16
27 years to 18 years.

28 (a) Before the adoption of the policy, the district
29 school board must provide a notice of intent to adopt a policy
30 to raise the compulsory age of attendance for children from
31 the age of 16 years to the age of 18 years. The notice must be

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1 provided to the parent of each child who is 15 years of age
2 and who is enrolled in a school in the district.

3 (b) Within 2 weeks after adoption of the school board
4 policy, the district school board must provide notice of the
5 policy to the parent of each child who is 15 years of age and
6 who is enrolled in a school in the district. The notice must
7 also provide information related to the penalties for refusing
8 or failing to comply with the compulsory attendance
9 requirements and information on alternative education programs
10 offered within the school district.

11 (3) All state laws and State Board of Education rules
12 related to students subject to compulsory school attendance
13 apply to the district school board. Notwithstanding the
14 provisions of s. 1003.21, the formal declaration of intent to
15 terminate school enrollment does not apply to the district
16 school board.

17 (4) The district school board must evaluate the effect
18 of its adopted policy raising the compulsory age of attendance
19 on school attendance and on the school district's dropout
20 rate, as well as on the costs associated with the pilot
21 project. The school district shall report its findings to the
22 President of the Senate, the Speaker of the House of
23 Representatives, the minority leader of each house of the
24 Legislature, the Governor, and the Commissioner of Education
25 not later than August 1 following each year that the pilot
26 project is in operation.

27 Section 155. Section 1003.62, Florida Statutes, is
28 created to read:

29 1003.62 Charter school districts pilot program.--The
30 State Board of Education is authorized to enter into a
31 performance contract with up to six district school boards for

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1 the purpose of establishing them as charter school districts.
2 The State Board of Education shall give priority to
3 Hillsborough and Volusia Counties upon the submission of a
4 completed precharter agreement or charter proposal for a
5 charter school district. The purpose of this pilot program is
6 to examine a new relationship between the State Board of
7 Education and district school boards that may produce
8 significant improvements in student achievement and school
9 management, while complying with constitutional requirements
10 assigned to each entity.

11 (1) CHARTER DISTRICT.--A charter school district is a
12 school district in Florida in which the district school board
13 has submitted and the State Board of Education has approved a
14 charter proposal that exchanges statutory and rule exemption
15 for agreement to meet performance goals in the proposal. The
16 charter school district shall be chartered for 3 years, at the
17 end of which the performance shall be evaluated.

18 (2) EXEMPTION FROM STATUTES AND RULES.--Charter school
19 districts shall be exempt from state statutes and specified
20 State Board of Education rules. The district school board of a
21 charter school district shall not be exempt from any statute
22 governing election of district school board members, public
23 meetings and public records requirements, financial
24 disclosure, conflicts of interest, operation in the sunshine,
25 or any provisions outside the Florida K-20 Education Code.

26 (3) GOVERNING BOARD.--The governing board of the
27 charter school district shall be the duly elected district
28 school board. The district school board shall be responsible
29 for supervising the schools in the charter district and is
30 authorized to charter each of its existing public schools
31 pursuant to s. 1002.33, apply for deregulation of its public

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1 schools pursuant to s. 1003.63, or otherwise establish
2 performance-based contractual relationships with its public
3 schools for the purpose of giving them greater autonomy with
4 accountability for performance.

5 (4) PRECHARTER AGREEMENT.--The State Board of
6 Education is authorized to approve a precharter agreement with
7 a potential charter district. The agreement may grant limited
8 flexibility and direction for developing the full charter
9 proposal.

10 (5) TIME PERIOD FOR PILOT.--The pilot program shall be
11 authorized for a period of 3 full school years commencing with
12 award of a charter. The charter may be renewed upon action of
13 the State Board of Education.

14 (6) REPORTS.--The State Board of Education shall
15 annually report on the implementation of the charter school
16 district pilot program. Upon the completion of the first
17 3-year term, the State Board of Education, through the
18 Commissioner of Education, shall submit to the Legislature a
19 full evaluation of the effectiveness of the program.

20 (7) RULEMAKING.--The State Board of Education shall
21 have the authority to enact rules to implement this section in
22 accordance with ss. 120.536 and 120.54.

23 Section 156. Section 1003.63, Florida Statutes, is
24 created to read:

25 1003.63 Deregulated public schools pilot program.--

26 (1) PILOT PROGRAM.--To provide public schools the same
27 flexibility and accountability afforded charter schools, pilot
28 programs for deregulated public schools shall be conducted.
29 The following districts are authorized to conduct pilot
30 programs in 1998-1999: Palm Beach, Pinellas, Seminole, Leon,
31 Walton, and Citrus Counties. The schools and district school

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1 boards which are participating in the pilot program as of
2 January 1, 1999, are authorized to continue the pilot program
3 through the 2003-2004 school year. Lee County is authorized to
4 conduct the pilot program beginning in the 1999-2000 school
5 year through the 2003-2004 school year.

6 (2) PURPOSE.--The purpose of the pilot program for
7 deregulated public schools shall be to:

8 (a) Improve student learning.

9 (b) Increase learning opportunities for all students,
10 with special emphasis on expanded learning experiences for
11 students who are identified as academically low achieving.

12 (c) Encourage the use of different and innovative
13 learning methods.

14 (d) Increase choice of learning opportunities for
15 students.

16 (e) Establish a new form of accountability for
17 schools.

18 (f) Require the measurement of learning outcomes and
19 create innovative measurement tools.

20 (g) Make the school the unit for improvement.

21 (h) Relieve schools of paperwork and procedures that
22 are required by the state and the district school board for
23 purposes other than health, safety, equal opportunity, fiscal
24 accountability and documentation of student achievement.

25 (3) PROPOSAL.--

26 (a) A proposal to be a deregulated school must be
27 developed by the school principal and the school advisory
28 council. A majority of the members of the school advisory
29 council must approve the proposal, and the principal and the
30 school advisory council chair must sign the proposal. At least
31 50 percent of the teachers employed at the school must approve

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1 the proposal. The school must conduct a survey to show
2 parental support for the proposal.

3 (b) A district school board shall receive and review
4 all proposals for a deregulated public school. A district
5 school board must by a majority vote approve or deny a
6 proposal no later than 30 days after the proposal is received.
7 If a proposal is denied, the district school board must,
8 within 10 calendar days, articulate in writing the specific
9 reasons based upon good cause supporting its denial of the
10 proposal.

11 (c) The Department of Education may provide technical
12 assistance to an applicant upon written request.

13 (d) The terms and conditions for the operation of a
14 deregulated public school shall be set forth in the proposal.
15 The district school board shall not impose unreasonable rules
16 or regulations that violate the intent of giving schools
17 greater flexibility to meet educational goals.

18 (4) ELIGIBLE STUDENTS.--

19 (a) A deregulated school shall be open to all students
20 residing in the school's attendance boundaries as determined
21 by the district school board.

22 (b) The deregulated public school shall have maximum
23 flexibility to enroll students under the district school board
24 open enrollment plan.

25 (5) REQUIREMENTS.--Like other public schools, a
26 deregulated public school shall:

27 (a) Be nonsectarian in its programs, admission
28 policies, employment practices, and operations.

29 (b) Not charge tuition or fees, except those fees
30 normally charged by other public schools.

31 (c) Meet all applicable state and local health,

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1 safety, and civil rights requirements.

2 (d) Not violate the antidiscrimination provisions of
3 s. 1000.05.

4 (e) Be subject to an annual financial audit in a
5 manner similar to that of other public schools in the
6 district.

7 (6) ELEMENTS OF THE PROPOSAL.--The major issues
8 involving the operation of a deregulated public school shall
9 be considered in advance and written into the proposal.

10 (a) The proposal shall address, and criteria for
11 approval of the proposal shall be based on:

12 1. The school's mission and the students to be served.

13 2. The focus of the curriculum, the instructional
14 methods to be used, and any distinctive instructional
15 techniques to be employed.

16 3. The current baseline standard of achievement and
17 the outcomes to be achieved and the method of measurement that
18 will be used.

19 4. The methods used to identify the educational
20 strengths and needs of students and how well educational goals
21 and performance standards are met by students attending the
22 school. Students in deregulated public schools shall, at a
23 minimum, participate in the statewide assessment program.

24 5. In secondary schools, a method for determining that
25 a student has satisfied the requirements for graduation in s.
26 1003.43.

27 6. A method for resolving conflicts between the school
28 and the district.

29 7. The admissions procedures and dismissal procedures,
30 including the school's code of student conduct.

31 8. The ways by which the school's racial/ethnic

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1 balance reflects the community it serves or reflects the
2 racial/ethnic range of other public schools in the same school
3 district.

4 9. The financial and administrative management of the
5 school including a statement of the areas in which the school
6 will have administrative and fiscal autonomy and the areas in
7 which the school will follow district school board fiscal and
8 administrative policies.

9 10. The manner in which the school will be insured,
10 including whether or not the school will be required to have
11 liability insurance, and, if so, the terms and conditions
12 thereof and the amounts of coverage.

13 11. The qualifications to be required of the teachers.

14 (b) The school shall make annual progress reports to
15 the district, which upon verification shall be forwarded to
16 the Commissioner of Education at the same time as other annual
17 school accountability reports. The report shall contain at
18 least the following information:

19 1. The school's progress towards achieving the goals
20 outlined in its proposal.

21 2. The information required in the annual school
22 report pursuant to s. 1008.345.

23 3. Financial records of the school, including revenues
24 and expenditures.

25 4. Salary and benefit levels of school employees.

26 (c) A district school board shall ensure that the
27 proposal is innovative and consistent with the state education
28 goals established by s. 1000.03(5).

29 (d) Upon receipt of the annual report required by
30 paragraph (b), the Department of Education shall provide the
31 State Board of Education, the Commissioner of Education, the

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1 President of the Senate, and the Speaker of the House of
2 Representatives with a copy of each report and an analysis and
3 comparison of the overall performance of students, to include
4 all students in deregulated public schools whose scores are
5 counted as part of the statewide assessment tests, versus
6 comparable public school students in the district as
7 determined by FCAT and district assessment tests and, as
8 appropriate, the Florida Writes Assessment Test, and other
9 assessments administered pursuant to s. 1008.22(3).

10 (7) EXEMPTION FROM STATUTES.--

11 (a) A deregulated public school shall operate in
12 accordance with its proposal and shall be exempt from all
13 statutes of the Florida K-20 Education Code, except those
14 pertaining to civil rights and student health, safety, and
15 welfare, or as otherwise required by this section. A
16 deregulated public school shall not be exempt from the
17 following statutes: chapter 119, relating to public records,
18 and s. 286.011, relating to public meetings and records,
19 public inspection, and penalties. The school district, upon
20 request of a deregulated public school, may apply to the State
21 Board of Education for a waiver of provisions of law
22 applicable to deregulated public schools under this section,
23 except that the provisions of chapter 1010 or chapter 1011
24 shall not be eligible for waiver if the waiver would affect
25 funding allocations or create inequity in public school
26 funding. The State Board of Education may grant the waiver if
27 necessary to implement the school program.

28 (b) A deregulated public school may employ or contract
29 with skilled selected noncertified personnel to provide
30 instructional services or to assist instructional staff
31 members as education paraprofessionals in the same manner as

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1 defined in chapter 1012. A deregulated public school may not
2 employ an individual to provide instructional services or to
3 serve as an education paraprofessional if the individual's
4 certification or licensure as an educator is suspended or
5 revoked by this or any other state. The qualifications of
6 teachers shall be disclosed to parents.

7 (c) A deregulated public school shall employ or
8 contract with employees who have been fingerprinted as
9 provided in s. 1012.32.

10 (8) REVENUE.--Students enrolled in a deregulated
11 public school shall be funded in a basic program or a special
12 program in the same manner as students enrolled in other
13 public schools in the school district.

14 (9) LENGTH OF SCHOOL YEAR.--A deregulated public
15 school shall provide instruction for at least the number of
16 days required by law for other public schools, and may provide
17 instruction for additional days.

18 (10) FACILITIES.--A deregulated public school shall
19 utilize facilities which comply with the State Uniform
20 Building Code for Public Educational Facilities Construction
21 adopted pursuant to s. 1013.37, or with applicable state
22 minimum building codes pursuant to chapter 553 and state
23 minimum fire protection codes pursuant to s. 633.025, as
24 adopted by the authority in whose jurisdiction the facility is
25 located.

26 Section 157. Chapter 1004, Florida Statutes, shall be
27 entitled "Public Postsecondary Education" and shall consist of
28 ss. 1004.01-1004.98.

29 Section 158. Part I of chapter 1004, Florida Statutes,
30 shall be entitled "General Provisions" and shall consist of
31 ss. 1004.01-1004.06.

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1 Section 159. Section 1004.01, Florida Statutes, is
2 created to read:

3 1004.01 Statement of purpose and mission.--

4 (1) The Legislature finds it in the public interest to
5 provide a system of postsecondary education which is of the
6 highest possible quality; which enables all students to
7 participate in the search for knowledge and individual
8 development; which stresses undergraduate teaching as its main
9 priority; which offers selected professional, graduate, and
10 research programs with emphasis on state and national needs;
11 which fosters diversity of educational opportunity; which
12 promotes service to the public; which makes effective and
13 efficient use of human and physical resources; which functions
14 cooperatively with other educational institutions and systems;
15 and which promotes internal coordination and the wisest
16 possible use of resources.

17 (2) The mission of the state system of postsecondary
18 education is to develop human resources, to discover and
19 disseminate knowledge, to extend knowledge and its application
20 beyond the boundaries of its campuses, and to develop in
21 students heightened intellectual, cultural, and humane
22 sensitivities; scientific, professional, and technological
23 expertise; and a sense of purpose. Inherent in this broad
24 mission are methods of instruction, research, extended
25 training, and public service designed to educate people and
26 improve the human condition.

27 Section 160. Section 1004.02, Florida Statutes, is
28 created to read:

29 1004.02 Definitions.--As used in this chapter:

30 (1) "Adult basic education" means courses of
31 instruction designed to improve the employability of the

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1 state's workforce through instruction in mathematics, reading,
2 language, and workforce readiness skills at grade level
3 equivalency 0-8.9.

4 (2) "Adult ESOL" or "adult ESL" means noncredit
5 English literacy courses designed to improve the employability
6 of the state's workforce through acquisition of communication
7 skills and cultural competencies that enhance ability to read,
8 write, speak, and listen in English. ESOL means English for
9 Speakers of Other Languages. ESL means English as a Second
10 Language. The two terms are interchangeable.

11 (3) "Adult general education" means comprehensive
12 instructional programs designed to improve the employability
13 of the state's workforce through adult basic education, adult
14 secondary education, English for Speakers of Other Languages,
15 vocational-preparatory instruction, and instruction for adults
16 with disabilities.

17 (4) "Adult high school credit program" means the award
18 of credits upon completion of courses and passing of state
19 mandated assessments necessary to qualify for a high school
20 diploma. Except as provided elsewhere in law, the graduation
21 standards for adults shall be the same as those for secondary
22 students.

23 (5) "Adult secondary education" means courses through
24 which a person receives high school credit that leads to the
25 award of a high school diploma or courses of instruction
26 through which a student prepares to take the General
27 Educational Development test.

28 (6) "Adult student" is a student who is beyond the
29 compulsory school age and who has legally left elementary or
30 secondary school, or a high school student who is taking an
31 adult course required for high school graduation.

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1 (7) "Adult with disability" means an individual who
2 has a physical or mental impairment that substantially limits
3 one or more major life activities, has a record of such
4 impairment, or is regarded as having such an impairment, and
5 who requires modifications to the educational program,
6 adaptive equipment, or specialized instructional methods and
7 services in order to participate in workforce development
8 programs that lead to competitive employment.

9 (8) "Applied technology diploma program" means a
10 course of study that is part of a technical degree program, is
11 less than 60 credit hours, and leads to employment in a
12 specific occupation. An applied technology diploma program may
13 consist of either technical credit or college credit. A public
14 school district may offer an applied technology diploma
15 program only as technical credit, with college credit awarded
16 to a student upon articulation to a community college.
17 Statewide articulation among public schools and community
18 colleges is guaranteed by s. 1007.23, and is subject to
19 guidelines and standards adopted by the State Board of
20 Education pursuant to ss. 1007.24 and 1007.25.

21 (9) "Basic literacy," means the demonstration of
22 academic competence from 2.0 through 5.9 educational grade
23 levels as measured by means approved for this purpose by the
24 State Board of Education.

25 (10) "Beginning literacy" means the demonstration of
26 academic competence from 0 through 1.9 educational grade
27 levels as measured by means approved for this purpose by the
28 State Board of Education.

29 (11) "College-preparatory instruction" means courses
30 through which a high school graduate who applies for any
31 college credit program may attain the communication and

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1 computation skills necessary to enroll in college credit
2 instruction.

3 (12) "Community education" means the use of a school
4 or other public facility as a community center operated in
5 conjunction with other public, private, and governmental
6 organizations for the purpose of providing educational,
7 recreational, social, cultural, health, and community services
8 for persons in the community in accordance with the needs,
9 interests, and concerns of that community, including lifelong
10 learning.

11 (13) "Continuing workforce education" means
12 instruction that does not result in a technical certificate,
13 diploma, associate in applied science degree, or associate in
14 science degree. Continuing workforce education is for:

15 (a) Individuals who are required to have training for
16 licensure renewal or certification renewal by a regulatory
17 agency or credentialing body;

18 (b) New or expanding businesses as described in
19 chapter 288;

20 (c) Business, industry, and government agencies whose
21 products or services are changing so that retraining of
22 employees is necessary or whose employees need training in
23 specific skills to increase efficiency and productivity; or

24 (d) Individuals who are enhancing occupational skills
25 necessary to maintain current employment, to cross train, or
26 to upgrade employment.

27 (14) "Technical degree education program" means a
28 course of study that leads to an associate in applied science
29 degree or an associate in science degree. A technical degree
30 program may contain within it one or more program progression
31 points and may lead to certificates or diplomas within the

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1 course of study. The term is interchangeable with the term
2 "degree career education program." For licensure purposes, the
3 term "associate in science degree" is interchangeable with
4 "associate in applied science degree."

5 (15) "Family literacy" means a program for adults with
6 a literacy component for parents and children or other
7 intergenerational literacy components.

8 (16) "Functional literacy," which is also referred to
9 as "intermediate adult basic education," means the
10 demonstration of academic competence from 6.0 through 8.9
11 educational grade levels as measured by means approved for
12 this purpose by the State Board of Education.

13 (17) "General Educational Development (GED) test
14 preparation" means courses of instruction designed to prepare
15 adults for success on GED subject area tests leading to
16 qualification for a State of Florida high school diploma.

17 (18) "Lifelong learning" means a noncredit course or
18 activity offered by a school district or community college
19 that seeks to address community social and economic issues
20 related to health and human relations, government, parenting,
21 consumer economics, and senior citizens.

22 (19) "Local educational agency" means a community
23 college or school district.

24 (20) "Local sponsor" means a district school board,
25 community college board of trustees, public library, other
26 public entity, or private nonprofit entity, or any combination
27 of these entities, that provides adult literacy instruction.

28 (21) "Technical certificate program" means a course of
29 study that leads to at least one occupational completion
30 point. The program may also confer credit that may articulate
31 with a diploma or technical degree education program, if

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1 authorized by rules of the State Board of Education. Any
2 credit instruction designed to articulate to a degree program
3 is subject to guidelines and standards adopted by the
4 Department of Education pursuant to chapter 1007. The term is
5 interchangeable with the term "certificate career and
6 technical education program."

7 (22) "Occupational completion point" means the
8 occupational competencies that qualify a person to enter an
9 occupation that is linked to a career and technical program.

10 (23) "Career and technical education planning region"
11 means the geographic area in which career and technical or
12 adult education is provided. Each career and technical region
13 is contiguous with one of the 28 community college service
14 areas.

15 (24) "Vocational-preparatory instruction" means adult
16 general education through which persons attain academic and
17 workforce readiness skills at the level of functional literacy
18 (grade levels 6.0-8.9) or higher so that such persons may
19 pursue technical certificate education or higher-level
20 technical education.

21 (25) "Career and technical program" means a group of
22 identified competencies leading to occupations identified by a
23 Classification of Instructional Programs number.

24 (26) "Workforce development education" means adult
25 general education or career and technical education and may
26 consist of a continuing workforce education course or a
27 program of study leading to an occupational completion point,
28 a technical certificate, an applied technology diploma, or a
29 technical degree.

30 (27) "Workforce literacy" means the basic skills
31 necessary to perform in entry-level occupations or the skills

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1 necessary to adapt to technological advances in the workplace.

2 Section 161. Section 1004.03, Florida Statutes, is
3 created to read:

4 1004.03 Program approval.--

5 (1) The State Board of Education shall establish
6 criteria for the approval of new programs at state
7 universities, which criteria include, but are not limited to,
8 the following:

9 (a) New programs may not be approved unless the same
10 objectives cannot be met through use of educational
11 technology.

12 (b) Unnecessary duplication of programs offered by
13 public and independent institutions shall be avoided.

14 (c) Cooperative programs, particularly within regions,
15 should be encouraged.

16 (d) New programs shall be approved only if they are
17 consistent with the state master plans adopted by the State
18 Board of Education.

19 (e) A new graduate-level program may be approved if:

20 1. The university has taken into account the offerings
21 of its counterparts, including institutions in other sectors,
22 particularly at the regional level.

23 2. The addition of the program will not alter the
24 emphasis on undergraduate education.

25 3. The regional need and demand for the graduate
26 program was addressed and the community needs are obvious.

27 (2) The State Board of Education shall establish
28 criteria for the approval of new programs at community
29 colleges, which criteria include, but are not limited to, the
30 following:

31 (a) New programs may not be approved unless the same

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1 objectives cannot be met through use of educational
2 technology.

3 (b) Unnecessary duplication of programs offered by
4 independent institutions shall be avoided.

5 (c) Cooperative programs, particularly within regions,
6 should be encouraged.

7 (d) New programs may be approved only if they are
8 consistent with the state master plan adopted by the State
9 Board of Education.

10 (3) New colleges, schools, or functional equivalents
11 of any program leading to a degree that is offered as a
12 credential for a specific license granted under the Florida
13 Statutes or the State Constitution shall not be established
14 without the specific approval of the Legislature.

15 Section 162. Section 1004.04, Florida Statutes, is
16 created to read:

17 1004.04 Public accountability and state approval for
18 teacher preparation programs.--

19 (1) INTENT.--The Legislature recognizes that skilled
20 teachers make an important contribution to a system that
21 allows students to obtain a high-quality education. The intent
22 of the Legislature is to establish a system for development
23 and approval of teacher preparation programs that will free
24 postsecondary teacher preparation institutions to employ
25 varied and innovative teacher preparation techniques while
26 being held accountable for producing graduates with the
27 competencies and skills necessary to achieve the state
28 education goals; help the state's diverse student population,
29 including students with limited English proficiency, meet high
30 standards for academic achievement; maintain safe, secure
31 classroom learning environments; and sustain the state system

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1 of school improvement and education accountability established
2 pursuant to ss. 1000.03(5) and 1008.345. The State Board of
3 Education shall adopt rules pursuant to ss. 120.536(1) and
4 120.54 that establish uniform core curricula for each
5 state-approved teacher preparation program.

6 (2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
7 system developed by the Department of Education in
8 collaboration with postsecondary educational institutions
9 shall assist departments and colleges of education in the
10 restructuring of their programs to meet the need for producing
11 quality teachers now and in the future. The system must be
12 designed to assist teacher educators in conceptualizing,
13 developing, implementing, and evaluating programs that meet
14 state-adopted standards. These standards shall emphasize
15 quality indicators drawn from research, professional
16 literature, recognized guidelines, Florida essential teaching
17 competencies and educator-accomplished practices, effective
18 classroom practices, and the outcomes of the state system of
19 school improvement and education accountability, as well as
20 performance measures. Departments and colleges of education
21 shall emphasize the state system of school improvement and
22 education accountability concepts and standards, including
23 Sunshine State Standards. State-approved teacher preparation
24 programs must incorporate appropriate English for Speakers of
25 Other Languages instruction so that program graduates will
26 have completed the requirements for teaching limited English
27 proficient students in Florida public schools.

28 (3) INITIAL STATE PROGRAM APPROVAL.--

29 (a) A program approval process based on standards
30 adopted pursuant to subsection (2) must be established for
31 postsecondary teacher preparation programs, phased in

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1 according to timelines determined by the Department of
2 Education, and fully implemented for all teacher preparation
3 programs in the state. Each program shall be approved by the
4 department, consistent with the intent set forth in subsection
5 (1) and based primarily upon significant, objective, and
6 quantifiable graduate performance measures.

7 (b) Each teacher preparation program approved by the
8 Department of Education, as provided for by this section,
9 shall require students to meet the following as prerequisites
10 for admission into the program:

11 1. Have a grade point average of at least 2.5 on a 4.0
12 scale for the general education component of undergraduate
13 studies or have completed the requirements for a baccalaureate
14 degree with a minimum grade point average of 2.5 on a 4.0
15 scale from any college or university accredited by a regional
16 accrediting association as defined by State Board of Education
17 rule.

18 2. Demonstrate mastery of general knowledge, including
19 the ability to read, write, and compute, by passing the
20 College Level Academic Skills Test, a corresponding component
21 of the National Teachers Examination series, or a similar test
22 pursuant to rules of the State Board of Education.

23
24 Each teacher preparation program may waive these admissions
25 requirements for up to 10 percent of the students admitted.
26 Programs shall implement strategies to ensure that students
27 admitted under a waiver receive assistance to demonstrate
28 competencies to successfully meet requirements for
29 certification.

30 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
31 subsection (3), failure by a public or nonpublic teacher

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1 preparation program to meet the criteria for continued program
2 approval shall result in loss of program approval. The
3 Department of Education, in collaboration with the departments
4 and colleges of education, shall develop procedures for
5 continued program approval that document the continuous
6 improvement of program processes and graduates' performance.

7 (a) Continued approval of specific teacher preparation
8 programs at each public and nonpublic postsecondary
9 educational institution within the state is contingent upon
10 the passing of the written examination required by s. 1012.56
11 by at least 90 percent of the graduates of the program who
12 take the examination. On request of an institution, the
13 Department of Education shall provide an analysis of the
14 performance of the graduates of such institution with respect
15 to the competencies assessed by the examination required by s.
16 1012.56.

17 (b) Additional criteria for continued program approval
18 for public institutions may be approved by the State Board of
19 Education. Such criteria must emphasize instruction in
20 classroom management and must provide for the evaluation of
21 the teacher candidates' performance in this area. The criteria
22 shall also require instruction in working with underachieving
23 students. Program evaluation procedures must include, but are
24 not limited to, program graduates' satisfaction with
25 instruction and the program's responsiveness to local school
26 districts. Additional criteria for continued program approval
27 for nonpublic institutions shall be developed in the same
28 manner as for public institutions; however, such criteria must
29 be based upon significant, objective, and quantifiable
30 graduate performance measures. Responsibility for collecting
31 data on outcome measures through survey instruments and other

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1 appropriate means shall be shared by the postsecondary
2 educational institutions and the Department of Education. By
3 January 1 of each year, the Department of Education shall
4 report this information for each postsecondary educational
5 institution that has state-approved programs of teacher
6 education to the Governor, the State Board of Education, the
7 Commissioner of Education, the President of the Senate, the
8 Speaker of the House of Representatives, all Florida
9 postsecondary teacher preparation programs, and interested
10 members of the public. This report must analyze the data and
11 make recommendations for improving teacher preparation
12 programs in the state.

13 (c) Continued approval for a teacher preparation
14 program is contingent upon the results of annual reviews of
15 the program conducted by the postsecondary educational
16 institution, using procedures and criteria outlined in an
17 institutional program evaluation plan approved by the
18 Department of Education. This plan must incorporate the
19 criteria established in paragraphs (a) and (b) and include
20 provisions for involving primary stakeholders, such as program
21 graduates, district school personnel, classroom teachers,
22 principals, community agencies, and business representatives
23 in the evaluation process. Upon request by an institution, the
24 department shall provide assistance in developing, enhancing,
25 or reviewing the institutional program evaluation plan and
26 training evaluation team members.

27 (d) Continued approval for a teacher preparation
28 program is contingent upon standards being in place that are
29 designed to adequately prepare elementary, middle, and high
30 school teachers to instruct their students in higher-level
31 mathematics concepts and in the use of technology at the

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1 appropriate grade level.

2 (e) Continued approval of teacher preparation programs
3 is contingent upon compliance with the student admission
4 requirements of subsection (3) and upon the receipt of at
5 least a satisfactory rating from public schools and private
6 schools that employ graduates of the program. Employer
7 satisfaction shall be determined by an annually administered
8 survey instrument approved by the Department of Education
9 that, at a minimum, must include employer satisfaction of the
10 graduates' ability to do the following:

11 1. Write and speak in a logical and understandable
12 style with appropriate grammar.

13 2. Recognize signs of students' difficulty with the
14 reading and computational process and apply appropriate
15 measures to improve students' reading and computational
16 performance.

17 3. Use and integrate appropriate technology in
18 teaching and learning processes.

19 4. Demonstrate knowledge and understanding of Sunshine
20 State Standards.

21 (f)1. Each Florida public and private institution that
22 offers a state-approved teacher preparation program must
23 annually report information regarding these programs to the
24 state and the general public. This information shall be
25 reported in a uniform and comprehensible manner that is
26 consistent with definitions and methods approved by the
27 Commissioner of the National Center for Educational Statistics
28 and that is approved by the State Board of Education. This
29 information must include, at a minimum:

30 a. The percent of graduates obtaining full-time
31 teaching employment within the first year of graduation.

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1 b. The average length of stay of graduates in their
2 full-time teaching positions.

3 c. Satisfaction ratings required in paragraph (e).

4 2. Each public and private institution offering
5 training for school readiness related professions, including
6 training in the fields of child care and early childhood
7 education, whether offering technical credit, associate in
8 applied science degree programs, associate in science degree
9 programs, or associate in arts degree programs, shall annually
10 report information regarding these programs to the state and
11 the general public in a uniform and comprehensible manner that
12 conforms with definitions and methods approved by the State
13 Board of Education. This information must include, at a
14 minimum:

15 a. Average length of stay of graduates in their
16 positions.

17 b. Satisfaction ratings of graduates' employers.

18
19 This information shall be reported through publications,
20 including college and university catalogs and promotional
21 materials sent to potential applicants, secondary school
22 guidance counselors, and prospective employers of the
23 institution's program graduates.

24 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
25 instructors, school district personnel and instructional
26 personnel, and school sites preparing instructional personnel
27 through preservice field experience courses and internships
28 shall meet special requirements.

29 (a) All instructors in postsecondary teacher
30 preparation programs who instruct or supervise preservice
31 field experience courses or internships shall have at least

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1 one of the following: specialized training in clinical
2 supervision; a valid professional teaching certificate
3 pursuant to ss. 1012.56 and 1012.585; or at least 3 years of
4 successful teaching experience in prekindergarten through
5 grade 12.

6 (b) All school district personnel and instructional
7 personnel who supervise or direct teacher preparation students
8 during field experience courses or internships must have
9 evidence of "clinical educator" training and must successfully
10 demonstrate effective classroom management strategies that
11 consistently result in improved student performance. The State
12 Board of Education shall approve the training requirements.

13 (c) Preservice field experience programs must provide
14 specific guidance and demonstration of effective classroom
15 management strategies, strategies for incorporating technology
16 into classroom instruction, and ways to link instructional
17 plans to the Sunshine State Standards, as appropriate. The
18 length of structured field experiences may be extended to
19 ensure that candidates achieve the competencies needed to meet
20 certification requirements.

21 (d) Postsecondary teacher preparation programs in
22 cooperation with district school boards and approved private
23 school associations shall select the school sites for
24 preservice field experience activities. These sites must
25 represent the full spectrum of school communities, including,
26 but not limited to, schools located in urban settings. In
27 order to be selected, school sites must demonstrate commitment
28 to the education of public school students and to the
29 preparation of future teachers.

30 (6) STANDARDS OF EXCELLENCE.--The State Board of
31 Education shall approve standards of excellence for teacher

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1 preparation. These standards must exceed the requirements for
2 program approval pursuant to subsection (3) and must
3 incorporate state and national recommendations for exemplary
4 teacher preparation programs.

5 (7) NATIONAL BOARD STANDARDS.--The State Board of
6 Education shall review standards and recommendations developed
7 by the National Board for Professional Teaching Standards and
8 may incorporate those parts deemed appropriate into criteria
9 for continued state program approval, standards of excellence,
10 and requirements for inservice education.

11 (8) COMMUNITY COLLEGES.--To the extent practical,
12 postsecondary educational institutions offering teacher
13 preparation programs shall establish articulation agreements
14 on a core of liberal arts courses and introductory
15 professional courses with field experience components which
16 shall be offered at community colleges.

17 (9) PRETEACHER AND TEACHER EDUCATION PILOT
18 PROGRAMS.--State universities and community colleges may
19 establish preteacher education and teacher education pilot
20 programs to encourage promising minority students to prepare
21 for a career in education. These pilot programs shall be
22 designed to recruit and provide additional academic, clinical,
23 and counseling support for students whom the institution
24 judges to be potentially successful teacher education
25 candidates, but who may not meet teacher education program
26 admission standards. Priority consideration shall be given to
27 those pilot programs that are jointly submitted by community
28 colleges and state universities.

29 (a) These pilot programs shall be approved by the
30 State Board of Education and shall be designed to provide help
31 and support for program participants during the preteacher

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1 education period of general academic preparation at a
2 community college or state university and during professional
3 preparation in a state-approved teacher education program.
4 Emphasis shall be placed on development of the basic skills
5 needed by successful teachers.

6 (b) State universities and community colleges may
7 admit into the pilot program those incoming students who
8 demonstrate an interest in teaching as a career, but who may
9 not meet the requirements for entrance into an approved
10 teacher education program.

11 1. Flexibility may be given to colleges of education
12 to develop and market innovative teacher training programs
13 directed at specific target groups such as graduates from the
14 colleges of arts and sciences, employed education
15 paraprofessionals, substitute teachers, early federal
16 retirees, and nontraditional college students. Programs must
17 be submitted to the State Board of Education for approval.

18 2. Academically successful graduates in the fields of
19 liberal arts and science may be encouraged to embark upon a
20 career in education.

21 3. Models may be developed to provide a positive
22 initial experience in teaching in order to encourage
23 retention. Priority should be given to models that encourage
24 minority graduates.

25 (c) In order to be certified, a graduate from a pilot
26 program shall meet all requirements for teacher certification
27 specified by s. 1012.56. Should a graduate of a pilot program
28 not meet the requirements of s. 1012.56, that person shall not
29 be included in the calculations required by paragraph (4)(a)
30 and State Board of Education rules for continued program
31 approval, or in the statutes used by the State Board of

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1 Education in deciding which teacher education programs to
2 approve.

3 (d) Institutions participating in the pilot program
4 shall submit an annual report evaluating the success of the
5 program to the Commissioner of Education by March 1 of each
6 year. The report shall contain, but shall not be limited to:
7 the number of pilot program participants, including the number
8 participating in general education and the number admitted to
9 approved teacher education programs, the number of pilot
10 program graduates, and the number of pilot program graduates
11 who met the requirements of s. 1012.56. The commissioner shall
12 consider the number of participants recruited, the number of
13 graduates, and the number of graduates successfully meeting
14 the requirements of s. 1012.56 reported by each institution,
15 and shall make an annual recommendation to the State Board of
16 Education regarding the institution's continued participation
17 in the pilot program.

18 (10) TEACHER EDUCATION PILOT PROGRAMS FOR
19 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs
20 shall be established at the University of Central Florida, the
21 University of North Florida, and the University of South
22 Florida. These programs shall include a year-long paid
23 teaching assignment and competency-based learning experiences
24 and shall be designed to encourage high-achieving students, as
25 identified by the institution, to pursue a career in
26 education. Students chosen to participate in the pilot
27 programs shall agree to teach for at least 1 year after they
28 receive their degrees. Criteria for identifying
29 high-achieving students shall be developed by the institution
30 and shall include, at a minimum, requirements that the student
31 have a 3.3 grade point average or above and that the student

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1 has demonstrated mastery of general knowledge pursuant to s.
2 1012.56. The year-long paid teaching assignment shall begin
3 after completion of the equivalent of 3 years of the state
4 university teacher preparation program.

5 (a) Each pilot program shall be designed to include:

6 1. A year-long paid teaching assignment at a specified
7 school site during the fourth year of the state university
8 teacher preparation program, which includes intense
9 supervision by a support team trained in clinical education.
10 The support team shall include a state university supervisor
11 and experienced school-based mentors. A mentor teacher shall
12 be assigned to each fourth year employed teacher to implement
13 an individualized learning plan. This mentor teacher will be
14 considered an adjunct professor for purposes of this program
15 and may receive credit for time spent as a mentor teacher in
16 the program. The mentor teacher must have a master's degree
17 or above, a minimum of 3 years of teaching experience, and
18 clinical education training or certification by the National
19 Board of Professional Teaching Standards. Experiences and
20 instruction may be delivered by other mentors, assigned
21 teachers, professors, individualized learning, and
22 demonstrations. Students in this paid teaching assignment
23 shall assume full responsibility of all teaching duties.

24 2. Professional education curriculum requirements that
25 address the educator-accomplished practices and other
26 competencies specified in state board rule.

27 3. A modified instructional delivery system that
28 provides onsite training during the paid teaching assignment
29 in the professional education areas and competencies specified
30 in this subsection. The institutions participating in this
31 pilot program shall be given a waiver to provide a modified

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1 instructional delivery system meeting criteria that allows
2 earned credit through nontraditional approaches. The modified
3 system may provide for an initial evaluation of the
4 candidate's competencies to determine an appropriate
5 individualized professional development plan and may provide
6 for earned credit by:

7 a. Internet learning and competency acquisition.
8 b. Learning acquired by observing demonstrations and
9 being observed in application.
10 c. Independent study or instruction by mentor teachers
11 or adjunct teachers.

12 4. Satisfactory demonstration of the
13 educator-accomplished practices and content area competencies
14 for program completion.

15 5. For program completion, required achievement of
16 passing scores on all tests required for certification by
17 State Board of Education rules.

18 (b) Beginning in July 2003, each institution
19 participating in the pilot program shall submit to the
20 Commissioner of Education an annual report evaluating the
21 effectiveness of the program. The report shall include, but
22 shall not be limited to, the number of students selected for
23 the pilot program, the number of students successfully
24 completing the pilot program, the number of program
25 participants who passed all required examinations, the number
26 of program participants who successfully demonstrated all
27 required competencies, and a followup study to determine the
28 number of pilot program completers who were employed in a
29 teaching position and employers' satisfaction with the
30 performance of pilot program completers.

31 (c) This subsection shall be implemented to the extent

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1 specifically funded in the General Appropriations Act.

2 (11) RULES.--The State Board of Education shall adopt
3 necessary rules pursuant to ss. 120.536(1) and 120.54 to
4 implement this section.

5 Section 163. Section 1004.05, Florida Statutes, is
6 created to read:

7 1004.05 Substance abuse training programs.--

8 (1) Each state university and community college may
9 develop courses designed for public school teachers,
10 counselors, physicians, law enforcement personnel, and other
11 professionals to assist them in recognizing symptoms of
12 substance abuse impairment and identifying appropriate service
13 providers for referral and treatment.

14 (2) Such courses may be made available to students who
15 are currently enrolled and for continuing education units.

16 Section 164. Section 1004.06, Florida Statutes, is
17 created to read:

18 1004.06 Prohibited expenditures.--No community
19 college, state university, community college direct-support
20 organization, or state university direct-support organization
21 shall expend any funds, regardless of source, to purchase
22 membership in, or goods and services from, any organization
23 that discriminates on the basis of race, national origin,
24 gender, or religion.

25 Section 165. Part II of chapter 1004, Florida
26 Statutes, shall be entitled "State Universities" and shall
27 consist of ss. 1004.21-1004.62.

28 Section 166. Part II.a. of chapter 1004, Florida
29 Statutes, shall be entitled "General Provisions" and shall
30 consist of ss. 1004.21-1004.32.

31 Section 167. Section 1004.21, Florida Statutes, is

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1 created to read:

2 1004.21 State universities; legislative intent.--It is
3 the legislative intent that state universities be constituted
4 as public corporations of the state and be operated by a board
5 of trustees as provided in s. 1001.74.

6 Section 168. Section 1004.22, Florida Statutes, is
7 created to read:

8 1004.22 Divisions of sponsored research at state
9 universities.--

10 (1) Each university is authorized to create, as it
11 deems advisable, divisions of sponsored research which will
12 serve the function of administration and promotion of the
13 programs of research, including sponsored training programs,
14 of the university at which they are located. A division of
15 sponsored research created under the provisions of this
16 section shall be under the supervision of the president of
17 that university.

18 (2) The university shall set such policies to regulate
19 the activities of the divisions of sponsored research as it
20 may consider necessary to effectuate the purposes of this act
21 and to administer the research programs in a manner which
22 assures efficiency and effectiveness, producing the maximum
23 benefit for the educational programs and maximum service to
24 the state. To this end, materials that relate to methods of
25 manufacture or production, potential trade secrets,
26 potentially patentable material, actual trade secrets,
27 business transactions, or proprietary information received,
28 generated, ascertained, or discovered during the course of
29 research conducted within the state universities shall be
30 confidential and exempt from the provisions of s. 119.07(1),
31 except that a division of sponsored research shall make

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1 available upon request the title and description of a research
2 project, the name of the researcher, and the amount and source
3 of funding provided for such project.

4 (3) The president of the university where a division
5 of sponsored research is created, or his or her designee, is
6 authorized to negotiate, enter into, and execute research
7 contracts; to solicit and accept research grants and
8 donations; and to fix and collect fees, other payments, and
9 donations that may accrue by reason thereof. The president or
10 his or her designee may negotiate, enter into, and execute
11 contracts on a cost-reimbursement basis and may provide
12 temporary financing of such costs prior to reimbursement from
13 moneys on deposit in a sponsored research development fund,
14 except as may be prohibited elsewhere by law.

15 (4) A division of sponsored research shall be financed
16 from the moneys of a university which are on deposit or
17 received for use in the research or related programs of that
18 particular university. Such moneys shall be deposited by the
19 university in a permanent sponsored research development fund.

20 (5) Moneys deposited in the permanent sponsored
21 research development fund of a university shall be disbursed
22 in accordance with the terms of the contract, grant, or
23 donation under which they are received. Moneys received for
24 overhead or indirect costs and other moneys not required for
25 the payment of direct costs shall be applied to the cost of
26 operating the division of sponsored research. Any surplus
27 moneys shall be used to support other research or sponsored
28 training programs in any area of the university.
29 Transportation and per diem expense allowances shall be the
30 same as those provided by law in s. 112.061, except that
31 personnel performing travel under a sponsored research

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1 subcontract may be reimbursed for travel expenses in
2 accordance with the provisions of the applicable prime
3 contract or grant and the travel allowances established by the
4 subcontractor, subject to the requirements of subsection (7),
5 or except as provided in subsection (11).

6 (6)(a) Each university shall submit to the State Board
7 of Education a report of the activities of each division of
8 sponsored research together with an estimated budget for the
9 next fiscal year.

10 (b) Not less than 90 days prior to the convening of
11 each regular session of the Legislature in which an
12 appropriation shall be made, the State Board of Education
13 shall submit to the chair of the appropriations committee of
14 each house of the Legislature a compiled report, together with
15 a compiled estimated budget for the next fiscal year. A copy
16 of such report and estimated budget shall be furnished to the
17 Governor, as the chief budget officer of the state.

18 (7) All purchases of a division of sponsored research
19 shall be made in accordance with the policies and procedures
20 of the university; however, upon certification addressed to
21 the university president that it is necessary for the
22 efficient or expeditious prosecution of a research project,
23 the president may exempt the purchase of material, supplies,
24 equipment, or services for research purposes shall be exempt
25 from the general purchasing requirement of the Florida
26 Statutes.

27 (8) The university may authorize the construction,
28 alteration, or remodeling of buildings when the funds used are
29 derived entirely from the sponsored research development fund
30 of a university or from that fund in combination with other
31 nonstate sources, provided that such construction, alteration,

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1 or remodeling is for use exclusively in the area of research;
2 it also may authorize the acquisition of real property when
3 the cost is entirely from said funds. Title to all real
4 property purchased prior to January 7, 2003, or with funds
5 appropriated by the Legislature shall vest in the Board of
6 Trustees of the Internal Improvement Trust Fund and shall only
7 be transferred or conveyed by it.

8 (9) The sponsored research programs of the Institute
9 of Food and Agricultural Sciences, the University of Florida
10 Health Science Center, and the engineering and industrial
11 experiment station shall continue to be centered at the
12 University of Florida as heretofore provided by law. Indirect
13 cost reimbursements of all grants deposited in the Division of
14 Sponsored Research shall be distributed directly to the above
15 units in direct proportion to the amounts earned by each unit.

16 (10) The operation of the divisions of sponsored
17 research and the conduct of the sponsored research program are
18 expressly exempted from the provisions of any other laws or
19 portions of laws in conflict herewith and are, subject to the
20 requirements of subsection (7), exempted from the provisions
21 of chapters 215, 216, and 283.

22 (11) The divisions of sponsored research may pay, by
23 advancement or reimbursement, or a combination thereof, the
24 costs of per diem of university employees and of other
25 authorized persons, as defined in s. 112.061(2)(e), for
26 foreign travel up to the current rates as stated in the grant
27 and contract terms and may also pay incidental expenses as
28 authorized by s. 112.061(8). This subsection applies to any
29 university employee traveling in foreign countries for
30 sponsored programs of the university, if such travel expenses
31 are approved in the terms of the contract or grant. The

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1 provisions of s. 112.061, other than those relating to per
2 diem, apply to the travel described in this subsection. As
3 used in this subsection, "foreign travel" means any travel
4 outside the United States and its territories and possessions
5 and Canada. Persons traveling in foreign countries pursuant
6 to this section shall not be entitled to reimbursements or
7 advancements pursuant to s. 112.061(6)(a)2. for such travel.

8 (12) Each division of sponsored research is authorized
9 to advance funds to any principal investigator who, under the
10 contract or grant terms, will be performing a portion of his
11 or her research at a site that is remote from the university.
12 Funds shall be advanced only to employees who have executed a
13 proper power of attorney with the university to ensure the
14 proper collection of such advanced funds if it becomes
15 necessary. As used in this subsection, the term "remote"
16 means so far removed from the university as to render normal
17 purchasing and payroll functions ineffective.

18 (13) Each university board of trustees is authorized
19 to adopt rules, as necessary, to administer this section.

20 Section 169. Section 1004.23, Florida Statutes, is
21 created to read:

22 1004.23 Universities; powers; patents, copyrights, and
23 trademarks.--Any other law to the contrary notwithstanding,
24 each state university is authorized, in its own name, to:

25 (1) Perform all things necessary to secure letters of
26 patent, copyrights, and trademarks on any work products and to
27 enforce its rights therein. The university shall consider
28 contributions by university personnel in the development of
29 trademarks, copyrights, and patents and shall enter into
30 written contracts with such personnel establishing the
31 interests of the university and such personnel in each

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1 trademark, copyright, or patent.

2 (2) License, lease, assign, or otherwise give written
3 consent to any person, firm, or corporation for the
4 manufacture or use thereof, on a royalty basis or for such
5 other consideration as the university shall deem proper.

6 (3) Take any action necessary, including legal action,
7 to protect the same against improper or unlawful use or
8 infringement.

9 (4) Enforce the collection of any sums due the
10 university for the manufacture or use thereof by any other
11 party.

12 (5) Sell any of the same and execute all instruments
13 necessary to consummate any such sale.

14 (6) Do all other acts necessary and proper for the
15 execution of powers and duties herein conferred upon the
16 university, including adopting rules, as necessary, in order
17 to administer this section. Any proceeds therefrom shall be
18 deposited and expended in accordance with s. 1004.22. Any
19 action taken by the university in securing or exploiting such
20 trademarks, copyrights, or patents shall, within 30 days, be
21 reported in writing by the president to the Department of
22 State.

23 Section 170. Section 1004.24, Florida Statutes, is
24 created to read:

25 1004.24 State Board of Education authorized to secure
26 liability insurance.--

27 (1) The State Board of Education is authorized to
28 secure, or otherwise provide as a self-insurer, or by a
29 combination thereof, comprehensive general liability
30 insurance, including professional liability for health care
31 and veterinary sciences, for:

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1 (a) The State Board of Education and its officers and
2 members.

3 (b) A university board of trustees and its officers
4 and members.

5 (c) The faculty and other employees and agents of a
6 university board of trustees.

7 (d) The students of a state university.

8 (e) A state university or any college, school,
9 institute, center, or program thereof.

10 (f) Any not-for-profit corporation organized pursuant
11 to chapter 617, and the directors, officers, employees, and
12 agents thereof, which is affiliated with a state university,
13 if the corporation is operated for the benefit of the state
14 university in a manner consistent with the best interests of
15 the state, and if such participation is approved by a
16 self-insurance program council, the university president, and
17 the board of trustees.

18 (2) In the event the State Board of Education adopts a
19 self-insurance program, a governing council chaired by the
20 vice president for health affairs or his or her academic
21 equivalent shall be established to administer the program and
22 its duties and responsibilities, including the administration
23 of self-insurance program assets and expenditure policies,
24 which shall be defined in rules as authorized by this section.
25 The council shall have an annual actuary review performed to
26 establish funding requirements to maintain the fiscal
27 integrity of the self-insurance program. The assets of a
28 self-insurance program shall be deposited outside the State
29 Treasury and shall be administered in accordance with rules as
30 authorized by this section.

31 (3) Any self-insurance program created under this

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1 section shall be funded by the entities and individuals
2 protected by such program. There shall be no funds
3 appropriated to any self-insurance program. The assets of the
4 self-insurance program shall be the property of the State
5 Board of Education and shall be used only to pay the
6 administrative expenses of the self-insurance program and to
7 pay any claim, judgment, or claims bill arising out of
8 activities for which the self-insurance program was created.
9 Investment income that is in excess of that income necessary
10 to ensure the solvency of a self-insurance program as
11 established by a casualty actuary may be used to defray the
12 annual contribution paid into the program by the entities and
13 individuals protected by the program.

14 (4) No self-insurance program adopted by the State
15 Board of Education may sue or be sued. The claims files of any
16 such program are privileged and confidential, exempt from the
17 provisions of s. 119.07(1), and are only for the use of the
18 program in fulfilling its duties. Any self-insurance trust
19 fund and revenues generated by that fund shall only be used to
20 pay claims and administration expenses.

21 (5) Each self-insurance program council shall make
22 provision for an annual postaudit of its financial accounts to
23 be conducted by an independent certified public accountant.
24 The annual audit report must include a management letter and
25 shall be submitted to the State Board of Education for review.
26 The State Board of Education shall have the authority to
27 require and receive from the self-insurance program council or
28 from its independent auditor any detail or supplemental data
29 relative to the operation of the self-insurance program.

30 (6) The State Board of Education may make such rules
31 as are necessary to carry out the provisions of this section.

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1 Section 171. Section 1004.25, Florida Statutes, is
2 created to read:

3 1004.25 State universities; payment of costs of civil
4 action.--A university may defray all costs of defending any
5 civil action brought against any officer or employee of the
6 university for any act or omission arising out of and in the
7 course of the performance of his or her duties and
8 responsibilities, which costs may include reasonable
9 attorney's fees and expenses together with costs of appeal,
10 and may save harmless and protect such person from any
11 financial loss resulting from the lawful performance of his or
12 her duties and responsibilities. Claims based on such actions
13 or omissions may be settled prior to or after the filing of
14 suit thereon. The university may arrange for and pay the
15 premium for appropriate insurance to cover all such losses and
16 expenses. The university may use funds available, not subject
17 to the obligation of contract, covenant, or trust, to carry
18 out the purposes of this section in the amount necessary.
19 Failure by the university to perform any act authorized by
20 this section shall not constitute a cause of action against
21 the university or its members, officers, or employees.

22 Section 172. Section 1004.28, Florida Statutes, is
23 created to read:

24 1004.28 Direct-support organizations; use of property;
25 board of directors; activities; audit; facilities.--

26 (1) DEFINITIONS.--For the purposes of this section:

27 (a) "University direct-support organization" means an
28 organization which is:

29 1. A Florida corporation not for profit incorporated
30 under the provisions of chapter 617 and approved by the
31 Department of State.

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1 2. Organized and operated exclusively to receive,
2 hold, invest, and administer property and to make expenditures
3 to or for the benefit of a state university in Florida or for
4 the benefit of a research and development park or research and
5 development authority affiliated with a state university and
6 organized under part V of chapter 159.

7 3. An organization that a state university board of
8 trustees, after review, has certified to be operating in a
9 manner consistent with the goals of the university and in the
10 best interest of the state. Any organization that is denied
11 certification by the board of trustees shall not use the name
12 of the university that it serves.

13 (b) "Personal services" includes full-time or
14 part-time personnel as well as payroll processing.

15 (2) USE OF PROPERTY.--

16 (a) Each state university board of trustees is
17 authorized to permit the use of property, facilities, and
18 personal services at any state university by any university
19 direct-support organization, and, subject to the provisions of
20 this section, direct-support organizations may establish
21 accounts with the State Board of Administration for investment
22 of funds pursuant to part IV of chapter 218.

23 (b) The board of trustees shall prescribe by rule
24 conditions with which a university direct-support organization
25 must comply in order to use property, facilities, or personal
26 services at any state university. Such rules shall provide
27 for budget and audit review and oversight by the board of
28 trustees.

29 (c) The board of trustees shall not permit the use of
30 property, facilities, or personal services at any state
31 university by any university direct-support organization that

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1 does not provide equal employment opportunities to all persons
2 regardless of race, color, religion, gender, age, or national
3 origin.

4 (3) BOARD OF DIRECTORS.--The chair of the university
5 board of trustees may appoint a representative to the board of
6 directors and the executive committee of any direct-support
7 organization established under this section. The president of
8 the university for which the direct-support organization is
9 established, or his or her designee, shall also serve on the
10 board of directors and the executive committee of any
11 direct-support organization established to benefit that
12 university.

13 (4) ACTIVITIES; RESTRICTION.--A university
14 direct-support organization is prohibited from giving, either
15 directly or indirectly, any gift to a political committee or
16 committee of continuous existence as defined in s. 106.011 for
17 any purpose other than those certified by a majority roll call
18 vote of the governing board of the direct-support organization
19 at a regularly scheduled meeting as being directly related to
20 the educational mission of the university.

21 (5) 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) and by the university board of
26 trustees. The annual audit report shall be submitted, within
27 9 months after the end of the fiscal year, to the Auditor
28 General and the State Board of Education for review. The State
29 Board of Education, the university board of trustees, the
30 Auditor General, and the Office of Program Policy Analysis and
31 Government Accountability shall have the authority to require

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1 and receive from the organization or from its independent
2 auditor any records relative to the operation of the
3 organization. The identity of donors who desire to remain
4 anonymous shall be protected, and that anonymity shall be
5 maintained in the auditor's report. All records of the
6 organization other than the auditor's report, management
7 letter, and any supplemental data requested by the State Board
8 of Education, the university board of trustees, the Auditor
9 General, and the Office of Program Policy Analysis and
10 Government Accountability shall be confidential and exempt
11 from the provisions of s. 119.07(1).

12 (6) FACILITIES.--In addition to issuance of
13 indebtedness pursuant to s. 1010.60(2), each direct-support
14 organization is authorized to enter into agreements to
15 finance, design and construct, lease, lease-purchase,
16 purchase, or operate facilities necessary and desirable to
17 serve the needs and purposes of the university, as determined
18 by the systemwide strategic plan adopted by the State Board of
19 Education. Such agreements are subject to the provisions of
20 s. 1013.171.

21 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
22 organization shall submit to the university president and the
23 State Board of Education its federal Internal Revenue Service
24 Application for Recognition of Exemption form (Form 1023) and
25 its federal Internal Revenue Service Return of Organization
26 Exempt from Income Tax form (Form 990).

27 Section 173. Section 1004.29, Florida Statutes, is
28 created to read:

29 1004.29 University health services support
30 organizations.--

31 (1) Each state university is authorized to establish

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1 university health services support organizations which shall
2 have the ability to enter into, for the benefit of the
3 university academic health sciences center, arrangements with
4 other entities as providers in other integrated health care
5 systems or similar entities. To the extent required by law or
6 rule, university health services support organizations shall
7 become licensed as insurance companies, pursuant to chapter
8 624, or be certified as health maintenance organizations,
9 pursuant to chapter 641. University health services support
10 organizations shall have sole responsibility for the acts,
11 debts, liabilities, and obligations of the organization. In
12 no case shall the state or university have any responsibility
13 for such acts, debts, liabilities, and obligations incurred or
14 assumed by university health services support organizations.

15 (2) Each university health services support
16 organization shall be a Florida corporation not for profit,
17 incorporated under the provisions of chapter 617 and approved
18 by the Department of State.

19 (3) A state university board of trustees may
20 prescribe, by rule, conditions with which a university health
21 services support organization must comply in order to be
22 certified and to use property, facilities, or personal
23 services at any state university. The rules must provide for
24 budget, audit review, and oversight by the board of trustees.
25 Such rules shall provide that the university health services
26 support organization may provide salary supplements and other
27 compensation or benefits for university faculty and staff
28 employees only as set forth in the organization's budget,
29 which shall be subject to approval by the university
30 president.

31 (4) The chair of the university board of trustees may

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1 appoint a representative to the board of directors and the
2 executive committee of any university health services support
3 organization established under this section. The president of
4 the university for which the university health services
5 support organization is established, or the president's
6 designee, shall also serve on the board of directors and the
7 executive committee of any university health services support
8 organization established to benefit that university.

9 (5) Each university health services support
10 organization shall provide for an annual financial audit in
11 accordance with s. 1004.28(5). The auditor's report,
12 management letter, and any supplemental data requested by the
13 State Board of Education, the university board of trustees,
14 and the Auditor General shall be considered public records,
15 pursuant to s. 119.07.

16 Section 174. Section 1004.30, Florida Statutes, is
17 created to read:

18 1004.30 University health services support
19 organization; confidentiality of information.--

20 (1) All meetings of a governing board of a university
21 health services support organization and all university health
22 services support organization records shall be open and
23 available to the public in accordance with s. 286.011 and s.
24 24(b), Art. I of the State Constitution and chapter 119 and s.
25 24(a), Art. I of the State Constitution, respectively, unless
26 made confidential or exempt by law. Records required by the
27 Department of Insurance to discharge its duties shall be made
28 available to the department upon request.

29 (2) The following university health services support
30 organization's records and information are confidential and
31 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.

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1 I of the State Constitution:

2 (a) Contracts for managed care arrangements under
3 which the university health services support organization
4 provides health care services, preferred provider organization
5 contracts, health maintenance organization contracts, alliance
6 network arrangements, and exclusive provider organization
7 contracts, and any documents directly relating to the
8 negotiation, performance, and implementation of any such
9 contracts for managed care arrangements or alliance network
10 arrangements. As used in this paragraph, the term "managed
11 care" means systems or techniques generally used by
12 third-party payors or their agents to affect access to and
13 control payment for health care services. Managed-care
14 techniques most often include one or more of the following:
15 prior, concurrent, and retrospective review of the medical
16 necessity and appropriateness of services or site of services;
17 contracts with selected health care providers; financial
18 incentives or disincentives related to the use of specific
19 providers, services, or service sites; controlled access to
20 and coordination of services by a case manager; and payor
21 efforts to identify treatment alternatives and modify benefit
22 restrictions for high-cost patient care.

23 (b) Each university health services support
24 organization's marketing plan the disclosure of which may
25 reasonably be expected by the organization's governing board
26 to be used by a competitor or an affiliated provider of the
27 organization to frustrate, circumvent, or exploit the purposes
28 of the plan before it is implemented and which is not
29 otherwise known or cannot be legally obtained by a competitor
30 or an affiliated provider. However, documents that are
31 submitted to the organization's governing board as part of the

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1 board's approval of the organization's budget, and the budget
2 itself, are not confidential and exempt.

3 (c) Trade secrets, as defined in s. 688.002, including
4 reimbursement methodologies and rates.

5 (d) The records of the peer review panels, committees,
6 governing board, and agents of the university health services
7 support organization which relate solely to the evaluation of
8 health care services and professional credentials of health
9 care providers and physicians employed by or providing
10 services under contract to the university health services
11 support organization. The exemptions created by this
12 paragraph shall not be construed to impair any otherwise
13 established rights of an individual health care provider to
14 inspect documents concerning the determination of such
15 provider's professional credentials.

16 (3) Any portion of a governing board or peer review
17 panel or committee meeting during which a confidential and
18 exempt contract, document, record, marketing plan, or trade
19 secret, as provided for in subsection (2), is discussed is
20 exempt from the provisions of s. 286.011 and s. 24(b), Art. I
21 of the State Constitution.

22 (4) Those portions of any public record, such as a
23 tape recording, minutes, and notes, generated during that
24 portion of a governing board or peer review panel or committee
25 meeting which is closed to the public pursuant to this
26 section, which contain information relating to contracts,
27 documents, records, marketing plans, or trade secrets which
28 are made confidential and exempt by this section, are
29 confidential and exempt from the provisions of s. 119.07(1)
30 and s. 24(a), Art. I of the State Constitution.

31 (5) The exemptions from s. 119.07(1) and s. 24(a),

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1 Art. I of the State Constitution and s. 286.011 and s. 24(b),
2 Art. I of the State Constitution provided in this section do
3 not apply if the governing board of a university health
4 services support organization votes to lease, sell, or
5 transfer all or any substantial part of the facilities or
6 property of the university health services support
7 organization to a nonpublic entity.

8 (6) Any person may petition a court of competent
9 jurisdiction for an order for the public release of those
10 portions of any public record, such as a tape recording,
11 minutes, or notes, generated during that portion of a
12 governing board meeting which is closed to the public pursuant
13 to subsection (3), which record is made confidential and
14 exempt by subsection (4). Any action pursuant to this
15 subsection must be brought in the county where the principal
16 office of the university health services support organization
17 is located, as reflected in the records of the Secretary of
18 State. In any order for the public release of a record
19 pursuant to this subsection, the court shall make a finding
20 that a compelling public interest is served by the release of
21 the record or portions thereof which exceeds the public
22 necessity for maintaining the confidentiality of such record
23 as described in s. 2, chapter 96-171, Laws of Florida, and
24 that the release of the record will not cause damage to or
25 adversely affect the interests of private persons, business
26 entities, the university health services support organization,
27 or the affiliated university.

28 (7) Those portions of any public record, such as a
29 tape recording, minutes, or notes, generated during that
30 portion of a governing board meeting at which negotiations for
31 contracts for managed-care arrangements occur, are reported

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1 on, or are acted on by the governing board, which record is
2 made confidential and exempt by subsection (4), shall become
3 public records 2 years after the termination or completion of
4 the term of the contract to which such negotiations relate or,
5 if no contract was executed, 2 years after the termination of
6 the negotiations. Notwithstanding paragraph (2)(a) and
7 subsection (4), a university health services support
8 organization must make available, upon request, the title and
9 general description of a contract for managed-care
10 arrangements, the names of the contracting parties, and the
11 duration of the contract term. All contracts for managed-care
12 arrangements which are made confidential and exempt by
13 paragraph (2)(a), except those portions of any contract
14 containing trade secrets which are made confidential and
15 exempt by paragraph (2)(c), shall become public 2 years after
16 the termination or completion of the term of the contract.

17 (8) A university health services support organization
18 may petition a court of competent jurisdiction to continue the
19 confidentiality of any public record made nonconfidential by
20 this section, upon a showing of good cause. In determining
21 good cause, the court shall balance the property, privacy, and
22 economic interests of any affected person or business entity
23 with those of the university health services support
24 organization and with the public interest and must make a
25 finding that a substantial public interest is served by the
26 continued confidentiality of the public record for an
27 additional time period. The length of time for this continued
28 exemption may be no longer than is necessary to protect that
29 substantial public interest.

30 (9) This act does not preclude discovery of records
31 and information that are otherwise discoverable under the

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1 Florida Rules of Civil Procedure or any statutory provision
2 allowing discovery or presuit disclosure of such records and
3 information for the purpose of civil actions.

4 Section 175. Section 1004.31, Florida Statutes, is
5 created to read:

6 1004.31 Assent to Hatch Act and Morrill Land-Grant
7 Act.--The assent of the Legislature is given to the provisions
8 and requirements of the Acts of Congress commonly known as the
9 "Hatch Act of 1887," the "First Morrill Act of 1862," the
10 "Second Morrill Act of 1890," and all acts supplemental
11 thereto. The University of Florida Board of Trustees may
12 receive grants of money appropriated for the benefit of the
13 University of Florida Institute of Food and Agricultural
14 Sciences in the case of the First Morrill Act, the Hatch Act,
15 and all acts supplemental thereto. The Florida Agricultural
16 and Mechanical University Board of Trustees may receive grants
17 of money appropriated for the benefit of Florida Agricultural
18 and Mechanical University in the case of the Second Morrill
19 Act and all acts supplemental thereto. The provisions of
20 chapter 3564, 1885, Laws of Florida, and s. 7, chapter 1776,
21 1870, Laws of Florida, are made applicable to said
22 universities insofar as the same are or can be made effective;
23 and all estate, right, property claim, and emoluments, and the
24 rents and issues thereof, or any substitutions thereof, and
25 all claims and demands arising or that may or can arise
26 thereunder, or any Act of Congress in that regard, are hereby
27 preserved, maintained, and transferred to the University of
28 Florida Board of Trustees and the Florida Agricultural and
29 Mechanical University Board of Trustees for the use and
30 benefit of said universities under the terms of said acts.

31 Section 176. Section 1004.32, Florida Statutes, is

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1 created to read:

2 1004.32 New College of Florida.--

3 (1) MISSION AND GOALS.--New College of Florida with a
4 campus in Sarasota County serves a distinctive mission as the
5 4-year residential liberal arts honors college of the State of
6 Florida. To maintain this mission, New College of Florida has
7 the following goals:

8 (a) To provide a quality education to students of high
9 ability who, because of their ability, deserve a program of
10 study that is both demanding and stimulating.

11 (b) To engage in undergraduate educational reform by
12 combining educational innovation with educational excellence.

13 (c) To provide programs of study that allow students
14 to design their educational experience as much as possible in
15 accordance with their individual interests, values, and
16 abilities.

17 (d) To challenge undergraduates not only to master
18 existing bodies of knowledge but also to extend the frontiers
19 of knowledge through original research.

20 (2) ACCREDITATION.--As soon as possible, New College
21 of Florida shall apply to the Commission on Colleges of the
22 Southern Association of Colleges and Schools for separate
23 accreditation.

24 (3) BOARD OF TRUSTEES.--The Governor shall appoint 12
25 members to the Board of Trustees, to serve 4-year staggered
26 terms, as follows:

27 (a) Three residents of Sarasota County.

28 (b) Two residents of Manatee County.

29 (c) Until the expiration date of the terms of office
30 of the members who are on the board June 30, 2001, seven

31 members selected from the Board of Trustees of the New College

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1 Foundation.

2

3 In addition, the student body president shall serve ex officio
4 as a voting member of the board of trustees.

5 Section 177. Part II.b. of chapter 1004, Florida
6 Statutes, shall be entitled "Branch Campuses, Centers,
7 Institutes, and Special Programs" and shall consist of ss.
8 1004.33-1004.62.

9 Section 178. Section 1004.33, Florida Statutes, is
10 created to read:

11 1004.33 The University of South Florida St.
12 Petersburg.--

13 (1) The St. Petersburg campus of the University of
14 South Florida is established and shall be known as the
15 "University of South Florida St. Petersburg."

16 (a) The Legislature intends that the University of
17 South Florida St. Petersburg be operated and maintained as a
18 separate organizational and budget entity of the University of
19 South Florida, and that all legislative appropriations for the
20 University of South Florida St. Petersburg be set forth as
21 separate line items in the annual General Appropriations Act.

22 (b) The University of South Florida St. Petersburg
23 shall have a Campus Board and a Campus Executive Officer.

24 (c) As soon as possible, but no later than the
25 effective date of this act, the President of the University of
26 South Florida shall begin the process of application to the
27 Commission on Colleges of the Southern Association of Colleges
28 and Schools for separate accreditation of the University of
29 South Florida St. Petersburg. If the application is not
30 approved or is provisionally approved, the University of South
31 Florida shall correct any identified deficiencies and shall

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1 continue to work for accreditation.

2 (2) The Board of Trustees of the University of South
3 Florida shall appoint to the Campus Board, from
4 recommendations of the President of the University of South
5 Florida, five residents of Pinellas County. If a resident of
6 Pinellas County is appointed to the Board of Trustees of the
7 University of South Florida, the board shall appoint that
8 member to serve jointly as a member of the Campus Board. If
9 more than one Pinellas County resident is appointed to the
10 Board of Trustees, the board shall select one joint member.

11 The Board of Trustees may reappoint a member to the Campus
12 Board for one additional term. The Campus Board has the powers
13 and duties provided by law, which include the authority to:

14 (a) Review and approve an annual legislative budget
15 request to be submitted to the Commissioner of Education. The
16 Campus Executive Officer shall prepare the legislative budget
17 request in accordance with guidelines established by the State
18 Board of Education. This request must include items for campus
19 operations and fixed capital outlay.

20 (b) Approve and submit an annual operating plan and
21 budget for review and consultation by the Board of Trustees of
22 the University of South Florida. The campus operating budget
23 must reflect the actual funding available to that campus from
24 separate line-item appropriations contained in each annual
25 General Appropriations Act, which line-item appropriations
26 must initially reflect the funds reported to the Legislature
27 for the University of South Florida St. Petersburg campus for
28 fiscal year 2000-2001 and any additional funds provided in the
29 fiscal year 2001-2002 legislative appropriation.

30 (c) Enter into central support services contracts with
31 the Board of Trustees of the University of South Florida for

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1 any services that the St. Petersburg campus cannot provide
2 more economically, including payroll processing, accounting,
3 technology, construction administration, and other desired
4 services. However, all legal services for the campus must be
5 provided by a central services contract with the university.
6 The Board of Trustees of the University of South Florida and
7 the Campus Board shall determine in a letter of agreement any
8 allocation or sharing of student fee revenue between the
9 University of South Florida's main campus and the St.
10 Petersburg campus.

11
12 The Board of Trustees of the University of South Florida may
13 lawfully delegate other powers and duties to the Campus Board
14 for the efficient operation and improvement of the campus and
15 for the purpose of vesting in the campus the attributes
16 necessary to meet the requirements for separate accreditation
17 by the Southern Association of Colleges and Schools.

18 (3) The University of South Florida St. Petersburg
19 shall be administered by a Campus Executive Officer who shall
20 be appointed by, report directly to, and serve at the pleasure
21 of the President of the University of South Florida. The
22 President shall consult with the Campus Board before hiring or
23 terminating the Campus Executive Officer. The Campus Executive
24 Officer has authority and responsibility as provided in law,
25 including the authority to:

26 (a) Administer campus operations within the annual
27 operating budget as approved by the Campus Board.

28 (b) Recommend to the Campus Board an annual
29 legislative budget request that includes funding for campus
30 operations and fixed capital outlay.

31 (c) Recommend to the Campus Board an annual campus

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1 operating budget.

2 (d) Recommend to the Campus Board appropriate services
3 and terms and conditions to be included in annual central
4 support services contracts.

5 (e) Carry out any additional responsibilities assigned
6 or delegated by the President of the University of South
7 Florida for the efficient operation and improvement of the
8 campus, especially any authority necessary for the purpose of
9 vesting in the campus attributes necessary to meet the
10 requirements for separate accreditation.

11 (4) Students enrolled at the University of South
12 Florida, including those enrolled at a branch campus, have the
13 same rights and obligations as provided by law, policy, or
14 rule adopted by the University of South Florida, the Florida
15 Department of Education, or other lawful entity. The
16 University of South Florida shall provide a comprehensive and
17 coordinated system of student registration so that a student
18 enrolled at any campus of the University of South Florida has
19 the ability to register for courses at any other campus of the
20 University of South Florida.

21 (5) The following entities are not affected by this
22 section and remain under the administrative control of the
23 University of South Florida:

24 (a) The University of South Florida College of Marine
25 Science, which is a component college of the main campus.

26 (b) The Florida Institute of Oceanography, which is a
27 Type One Institute.

28 (c) The University of South Florida Pediatric Research
29 Center.

30 (d) The University of South Florida/USGS joint
31 facility.

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1 Section 179. Section 1004.34, Florida Statutes, is
2 created to read:

3 1004.34 The University of South Florida
4 Sarasota/Manatee.--

5 (1) The Sarasota/Manatee campus of the University of
6 South Florida is established and shall be known as the
7 "University of South Florida Sarasota/Manatee."

8 (a) The Legislature intends that the University of
9 South Florida Sarasota/Manatee be operated and maintained as a
10 separate organizational and budget entity of the University of
11 South Florida and that all legislative appropriations for the
12 University of South Florida Sarasota/Manatee be set forth as
13 separate line items in the annual General Appropriations Act.

14 (b) The University of South Florida Sarasota/Manatee
15 shall have a Campus Board and a Campus Executive Officer.

16 (c) As soon as possible, but no later than July 1,
17 2002, the President of the University of South Florida shall
18 begin the process of application to the Commission on Colleges
19 of the Southern Association of Colleges and Schools for
20 separate accreditation of the University of South Florida
21 Sarasota/Manatee. If the application is not approved or is
22 provisionally approved, the University of South Florida shall
23 correct any identified deficiencies and shall continue to work
24 for accreditation.

25 (2) The Board of Trustees of the University of South
26 Florida shall appoint to the Campus Board, from
27 recommendations of the President of the University of South
28 Florida, three residents of Manatee County and two residents
29 of Sarasota County, to serve 4-year staggered terms. If one or
30 more residents of Sarasota County or Manatee County are
31 appointed to the Board of Trustees of the University of South

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1 Florida, the board shall, at the next vacancy of the Campus
2 Board, appoint one of those members to serve jointly as a
3 member of the Campus Board. The Board of Trustees may
4 reappoint a member to the Campus Board for one additional
5 term. The Campus Board has the powers and duties provided by
6 law, which include the authority to:
7 (a) Review and approve an annual legislative budget
8 request to be submitted to the Commissioner of Education. The
9 Campus Executive Officer shall prepare the legislative budget
10 request in accordance with guidelines established by the State
11 Board of Education. This request must include items for campus
12 operations and fixed capital outlay.
13 (b) Approve and submit an annual operating plan and
14 budget for review and consultation by the Board of Trustees of
15 the University of South Florida. The campus operating budget
16 must reflect the actual funding available to that campus from
17 separate line-item appropriations contained in each annual
18 General Appropriations Act, which line-item appropriations
19 must initially reflect the funds reported to the Legislature
20 for the University of South Florida Sarasota/Manatee campus
21 for fiscal year 2000-2001 and any additional funds provided in
22 the fiscal year 2001-2002 legislative appropriation.
23 (c) Enter into central support services contracts with
24 the Board of Trustees of the University of South Florida for
25 any services that the campus at Sarasota/Manatee cannot
26 provide more economically, including payroll processing,
27 accounting, technology, construction administration, and other
28 desired services. However, all legal services for the campus
29 must be provided by a central services contract with the
30 university. The Board of Trustees of the University of South
31 Florida and the Campus Board shall determine in a letter of

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1 agreement any allocation or sharing of student fee revenue
2 between the University of South Florida's main campus and the
3 Sarasota/Manatee campus.

4
5 The Board of Trustees of the University of South Florida may
6 lawfully delegate other powers and duties to the Campus Board
7 for the efficient operation and improvement of the campus and
8 for the purpose of vesting in the campus the attributes
9 necessary to meet the requirements for separate accreditation
10 by the Southern Association of Colleges and Schools.

11 (3) The University of South Florida Sarasota/Manatee
12 shall be administered by a Campus Executive Officer who shall
13 be appointed by, report directly to, and serve at the pleasure
14 of the President of the University of South Florida. The
15 President shall consult with the Campus Board before hiring or
16 terminating the Campus Executive Officer. The Campus Executive
17 Officer has authority and responsibility as provided in law,
18 including the authority to:

19 (a) Administer campus operations within the annual
20 operating budget as approved by the Campus Board.

21 (b) Recommend to the Campus Board an annual
22 legislative budget request that includes funding for campus
23 operations and fixed capital outlay.

24 (c) Recommend to the Campus Board an annual campus
25 operating budget.

26 (d) Recommend to the Campus Board appropriate services
27 and terms and conditions to be included in annual central
28 support services contracts.

29 (e) Carry out any additional responsibilities assigned
30 or delegated by the President of the University of South
31 Florida for the efficient operation and improvement of the

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1 campus, especially any authority necessary for the purpose of
2 vesting in the campus attributes necessary to meet the
3 requirements for separate accreditation.

4 (4) Students enrolled at the University of South
5 Florida, including those enrolled at a branch campus, have the
6 same rights and obligations as provided by law, policy, or
7 rule adopted by the University of South Florida, the Florida
8 Department of Education, or other lawful entity. The
9 University of South Florida shall provide a comprehensive and
10 coordinated system of student registration so that a student
11 enrolled at any campus of the University of South Florida has
12 the ability to register for courses at any other campus of the
13 University of South Florida.

14 (5) Promote technology transfer between the research
15 operations of the University of South Florida and local
16 economic development agencies.

17 Section 180. Section 1004.35, Florida Statutes, is
18 created to read:

19 1004.35 Broward County campuses of Florida Atlantic
20 University; coordination with other institutions.--The State
21 Board of Education and Florida Atlantic University shall
22 consult with Broward Community College and Florida
23 International University in coordinating course offerings at
24 the postsecondary level in Broward County. Florida Atlantic
25 University may contract with the Board of Trustees of Broward
26 Community College and with Florida International University to
27 provide instruction in courses offered at the Southeast
28 Campus. Florida Atlantic University shall increase course
29 offerings at the Southeast Campus as facilities become
30 available.

31 Section 181. Section 1004.36, Florida Statutes, is

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1 created to read:

2 1004.36 Florida Atlantic University campuses.--

3 (1) The Broward County campuses of Florida Atlantic
4 University are hereby established as a partner of the Florida
5 Atlantic University campus in Boca Raton. The Broward County
6 campuses of Florida Atlantic University shall be known as
7 "Florida Atlantic University Broward." The Boca Raton campuses
8 of Florida Atlantic University shall be known as "Florida
9 Atlantic University Boca Raton." The office of the president
10 shall be at the campus in Boca Raton.

11 (2) Florida Atlantic University shall develop and
12 administer a separate budget for Florida Atlantic University
13 Broward. The budget shall include, at a minimum, an allocation
14 of those operating and capital outlay funds appropriated
15 annually by the Legislature in the General Appropriations Act
16 for the Broward campuses; a proportional share, based on
17 student credit hours produced at the Broward campuses, of any
18 allocations received by the university from student tuition
19 and fees, except for athletic fees, specifically authorized by
20 law; all overhead charges from sponsored research conducted on
21 the Broward campuses; and all revenues derived from vending
22 funds, auxiliary enterprises and contracts, and grants and
23 donations, as authorized by s. 1011.91, which result from
24 activities on Broward campuses. Florida Atlantic University
25 Broward and Florida Atlantic University Boca Raton may pay
26 reasonable charges to appropriate levels of administration of
27 Florida Atlantic University for services delivered
28 universitywide.

29 (3) The Florida Atlantic University Board of Trustees
30 shall take all actions necessary to ensure that Florida
31 Atlantic University Broward and Florida Atlantic University

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1 Boca Raton are partners in the overall policymaking and
2 academic governance structures of the university. Annual
3 legislative budget requests for operations and facilities
4 shall separately identify those funds requested for Florida
5 Atlantic University Broward and Florida Atlantic University
6 Boca Raton. Florida Atlantic University Broward and Florida
7 Atlantic University Boca Raton shall have local management
8 authority over their campus faculty, staff, and programs, but
9 there shall be universitywide standards and processes for
10 evaluating requests for promotion and tenure; there shall be
11 complete transferability of credits and uniform programs
12 across campuses; and colleges operating on multiple campuses
13 shall have only one dean for each college. Florida Atlantic
14 University Broward shall establish a faculty senate and may
15 establish a direct-support organization. Any such
16 direct-support organization shall be subject to s. 1004.28(5).

17 (4) The State Board of Education, as a function of its
18 comprehensive master planning process, shall continue to
19 evaluate the need for undergraduate programs in Broward County
20 and shall assess the extent to which existing postsecondary
21 programs are addressing those needs.

22 Section 182. Section 1004.37, Florida Statutes, is
23 created to read:

24 1004.37 County or area extension programs; cooperation
25 between counties and University of Florida and Florida
26 Agricultural and Mechanical University.--

27 (1) The Florida Cooperative Extension Service is
28 administered through the University of Florida and is
29 supported programmatically by the University of Florida and
30 Florida Agricultural and Mechanical University in
31 collaboration with individual county governments. County or

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1 area extension programs will be developed, based on local
2 situations, needs, and problems, supported by scientific and
3 technical information developed by the University of Florida,
4 Florida Agricultural and Mechanical University, the United
5 States Department of Agriculture, and other sources of
6 research information. This information will be made available
7 through the local program, with the aid of research scientists
8 and extension specialists of the University of Florida
9 Institute of Food and Agricultural Sciences and Florida
10 Agricultural and Mechanical University.

11 (2) In each county or other geographic subdivision the
12 board of county commissioners or other legally constituted
13 governing body will annually determine the extent of its
14 financial participation in cooperative extension work. The
15 extent of such financial participation by the counties will
16 influence the number of county extension agents and clerical
17 staff employed and the scope of the local extension program.

18 (3) Boards of county commissioners or other legally
19 constituted governing bodies will approve or disapprove of
20 persons recommended for extension positions in the county. If
21 the governing body of the county notifies the extension
22 service by resolution that it wants a list of three qualified
23 candidates, then the extension service shall, for each
24 position, make its recommendation by submitting a list of not
25 fewer than three qualified persons, or all qualified persons
26 if three or fewer. From this list, the board of county
27 commissioners, or other legally constituted governing body,
28 shall make its selection. If none of the persons recommended
29 are approved, the extension service shall continue to submit
30 lists of not fewer than three additional qualified persons
31 until one person is selected. If the governing body of the

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1 county does not forward such a resolution to the extension
2 service, the extension service shall recommend one qualified
3 candidate to the governing body. If a person recommended is
4 not approved, the extension service shall recommend another
5 qualified candidate and shall repeat this procedure as
6 necessary until one person is selected. Extension agents so
7 appointed will be staff members of the University of Florida
8 or Florida Agricultural and Mechanical University, depending
9 on the source of funds. It is the responsibility of the
10 cooperative extension service to determine qualifications for
11 positions.

12 (4) Although county extension agents are jointly
13 employed by the state universities and federal and county
14 governments for the purposes of administration of the
15 cooperative extension service, the personnel policies and
16 procedures of the University of Florida or Florida
17 Agricultural and Mechanical University, depending on
18 appointment, will apply except in those instances when federal
19 legislation or the basic memorandum of understanding is
20 applicable.

21 (5) The University of Florida will provide county
22 extension personnel in the county with supervision and
23 resources for planning and programming and is responsible for
24 the programming process. The Florida Cooperative Extension
25 Service will make available needed program materials to the
26 extension agents through the subject matter specialists or
27 through other resource persons available from within the
28 university. It will be responsible for maintaining a high
29 level of technical competence in the county extension staff
30 through a continuous program of inservice training.

31 (6) The county extension director will report

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1 periodically to the board of county commissioners or other
2 legally constituted governing body on programs underway and
3 results in the county. Each board of county commissioners or
4 other legally constituted governing body will develop a plan
5 which will enable it to be kept informed on the progress and
6 results of the local extension program so that its own
7 knowledge of program needs and problems may become a part of
8 the educational work carried on by the agents. Such plan shall
9 provide for a means of communicating the board's satisfaction
10 with the extension program to the county extension director
11 and the cooperative extension service.

12 Section 183. Section 1004.38, Florida Statutes, is
13 created to read:

14 1004.38 Master of science program in speech-language
15 pathology; Florida International University.--A master of
16 science degree program in speech-language pathology is hereby
17 authorized at Florida International University.

18 Section 184. Section 1004.39, Florida Statutes, is
19 created to read:

20 1004.39 College of law at Florida International
21 University.--

22 (1) A college of law is authorized at Florida
23 International University.

24 (2) The college of law at Florida International
25 University must be operated in compliance with the standards
26 approved by nationally recognized associations for accredited
27 colleges of law.

28 (3) The college of law at Florida International
29 University, to the extent consistent with the standards
30 required by the American Bar Association or any other
31 nationally recognized association for the accreditation of

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1 colleges of law, shall develop a law library collection
2 utilizing electronic formats and mediums.

3 (4) The college of law at Florida International
4 University shall develop and institute a program that is
5 consistent with sound legal education principles as determined
6 by the American Bar Association or any other nationally
7 recognized association for the accreditation of colleges of
8 law and that, to the extent consistent with such sound legal
9 education principles, is structured to serve the legal needs
10 of traditionally underserved portions of the population by
11 providing an opportunity for participation in a legal clinic
12 program or pro bono legal service.

13 (5) The Florida International University Board of
14 Trustees shall commence the planning of a college of law at
15 Florida International University. In planning the college of
16 law, the Florida International University Board of Trustees
17 and the State Board of Education may accept grants, donations,
18 gifts, and moneys available for this purpose, including moneys
19 for planning and constructing the college. The Florida
20 International University Board of Trustees may procure and
21 accept any federal funds that are available for the planning,
22 creation, and establishment of the college of law. Classes
23 must commence by the fall semester 2003. If the American Bar
24 Association or any other nationally recognized association for
25 the accreditation of colleges of law issues a third
26 disapproval of an application for provisional approval or for
27 full approval or fails to grant, within 5 years following the
28 graduation of the first class, a provisional approval, to the
29 college of law at Florida International University, the State
30 Board of Education shall make recommendations to the Governor
31 and the Legislature as to whether the college of law will

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1 cease operations at the end of the full academic year
2 subsequent to the receipt by the college of law of any such
3 third disapproval, or whether the college of law will continue
4 operations and any conditions for continued operations. If the
5 college of law ceases operations pursuant to this section, the
6 following conditions apply:

7 (a) The authority for the college of law at Florida
8 International University and the authority of the Florida
9 International University Board of Trustees and the State Board
10 of Education provided in this section shall terminate upon the
11 cessation of operations of the college of law at Florida
12 International University. The college of law at Florida
13 International University shall receive no moneys allocated for
14 the planning, construction, or operation of the college of law
15 after its cessation of operations other than moneys to be
16 expended for the cessation of operations of the college of
17 law. Any moneys allocated to the college of law at Florida
18 International University not expended prior to or scheduled to
19 be expended after the date of the cessation of the college of
20 law shall be appropriated for other use by the Legislature of
21 the State of Florida.

22 (b) Any buildings of the college of law at Florida
23 International University constructed from the expenditure of
24 capital outlay funds appropriated by the Legislature shall be
25 owned by the Board of Trustees of the Internal Improvement
26 Trust Fund and managed by the Florida International University
27 Board of Trustees upon the cessation of the college of law.

28
29 Nothing in this section shall undermine commitments to current
30 students receiving support as of the date of the enactment of
31 this section from the law school scholarship program of the

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1 Florida Education Fund as provided in s. 1009.70(8). Students
2 attending the college of law at Florida International
3 University shall be eligible for financial, academic, or other
4 support from the Florida Education Fund as provided in s.
5 1009.70(8) without the college's obtaining accreditation by
6 the American Bar Association.

7 (6) The college of law at Florida International
8 University shall be dedicated to providing opportunities for
9 minorities to attain representation within the legal
10 profession proportionate to their representation in the
11 general population; however, the college of law shall not
12 include preferences in the admissions process for applicants
13 on the basis of race, national origin, or gender.

14 Section 185. Section 1004.40, Florida Statutes, is
15 created to read:

16 1004.40 College of law at Florida Agricultural and
17 Mechanical University.--

18 (1) A college of law is authorized at Florida
19 Agricultural and Mechanical University.

20 (2) The college of law at Florida Agricultural and
21 Mechanical University must be operated in compliance with the
22 standards approved by nationally recognized associations for
23 accredited colleges of law.

24 (3) The college of law at Florida Agricultural and
25 Mechanical University, to the extent consistent with the
26 standards required by the American Bar Association or any
27 other nationally recognized association for the accreditation
28 of colleges of law, shall develop a law library collection
29 utilizing electronic formats and mediums.

30 (4) The college of law at Florida Agricultural and
31 Mechanical University shall develop and institute a program

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1 that is consistent with sound legal education principles as
2 determined by the American Bar Association or any other
3 nationally recognized association for the accreditation of
4 colleges of law and that, to the extent consistent with such
5 sound legal education principles, is structured to serve the
6 legal needs of traditionally underserved portions of the
7 population by providing an opportunity for participation in a
8 legal clinic program or pro bono legal service.

9 (5) The Florida Agricultural and Mechanical University
10 Board of Trustees shall commence the planning of a college of
11 law under the auspices of Florida Agricultural and Mechanical
12 University to be located in the I-4 corridor area. In planning
13 the college of law, the Florida Agricultural and Mechanical
14 University Board of Trustees and the State Board of Education
15 may accept grants, donations, gifts, and moneys available for
16 this purpose, including moneys for planning and constructing
17 the college. The Florida Agricultural and Mechanical
18 University Board of Trustees may procure and accept any
19 federal funds that are available for the planning, creation,
20 and establishment of the college of law. Classes must commence
21 by the fall semester 2003. If the American Bar Association or
22 any other nationally recognized association for the
23 accreditation of colleges of law issues a third disapproval of
24 an application for provisional approval or for full approval
25 or fails to grant, within 5 years following the graduation of
26 the first class, a provisional approval, to the college of law
27 at Florida Agricultural and Mechanical University, the State
28 Board of Education shall make recommendations to the Governor
29 and Legislature as to whether the college of law will cease
30 operations at the end of the full academic year subsequent to
31 the receipt by the college of law of any such third

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1 disapproval, or whether the college of law will continue
2 operations and any conditions for continued operations. If the
3 college of law ceases operations of the college of law
4 pursuant to this section, the following conditions apply:

5 (a) The authority for the college of law at Florida
6 Agricultural and Mechanical University and the authority of
7 the Florida Agricultural and Mechanical University Board of
8 Trustees and the State Board of Education provided in this
9 section shall terminate upon the cessation of operations of
10 the college of law at Florida Agricultural and Mechanical
11 University. The college of law at Florida Agricultural and
12 Mechanical University shall receive no moneys allocated for
13 the planning, construction, or operation of the college of law
14 after its cessation of operations other than moneys to be
15 expended for the cessation of operations of the college of
16 law. Any moneys allocated to the college of law at Florida
17 Agricultural and Mechanical University not expended prior to
18 or scheduled to be expended after the date of the cessation of
19 the college of law shall be appropriated for other use by the
20 Legislature of the State of Florida.

21 (b) Any buildings of the college of law at Florida
22 Agricultural and Mechanical University constructed from the
23 expenditure of capital outlay funds appropriated by the
24 Legislature shall be owned by the Board of Trustees of the
25 Internal Improvement Trust Fund and managed by the Florida
26 Agricultural and Mechanical University Board of Trustees upon
27 the cessation of the college of law.

28
29 Nothing in this section shall undermine commitments to current
30 students receiving support as of the date of the enactment of
31 this section from the law school scholarship program of the

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1 Florida Education Fund as provided in s. 1009.70(8). Students
2 attending the college of law at Florida Agricultural and
3 Mechanical University shall be eligible for financial,
4 academic, or other support from the Florida Education Fund as
5 provided in s. 1009.70(8) without the college's obtaining
6 accreditation by the American Bar Association.

7 (6) The college of law at Florida Agricultural and
8 Mechanical University shall be dedicated to providing
9 opportunities for minorities to attain representation within
10 the legal profession proportionate to their representation in
11 the general population; however, the college of law shall not
12 include preferences in the admissions process for applicants
13 on the basis of race, national origin, or gender.

14 Section 186. Section 1004.41, Florida Statutes, is
15 created to read:

16 1004.41 University of Florida; J. Hillis Miller Health
17 Center.--

18 (1) There is established the J. Hillis Miller Health
19 Center at the University of Florida, including campuses at
20 Gainesville and Jacksonville and affiliated teaching
21 hospitals, which shall include the following colleges:

22 (a) College of Dentistry.

23 (b) College of Health Professions.

24 (c) College of Medicine.

25 (d) College of Nursing.

26 (e) College of Pharmacy.

27 (f) College of Veterinary Medicine and related
28 teaching hospitals.

29 (2) Each college of the health center shall be so
30 maintained and operated as to comply with the standards
31 approved by a nationally recognized association for

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1 accreditation.

2 (3)(a) The University of Florida Health Center
3 Operations and Maintenance Trust Fund shall be administered by
4 the University of Florida Board of Trustees. Funds shall be
5 credited to the trust fund from the sale of goods and services
6 performed by the University of Florida Veterinary Medicine
7 Teaching Hospital. The purpose of the trust fund is to support
8 the instruction, research, and service missions of the
9 University of Florida College of Veterinary Medicine.

10 (b) Notwithstanding the provisions of s. 216.301, and
11 pursuant to s. 216.351, any balance in the trust fund at the
12 end of any fiscal year shall remain in the trust fund and
13 shall be available for carrying out the purposes of the trust
14 fund.

15 (4)(a) The University of Florida Board of Trustees
16 shall lease the hospital facilities of the health center,
17 known as the Shands Teaching Hospital and Clinics on the
18 campus of the University of Florida and all furnishings,
19 equipment, and other chattels or choses in action used in the
20 operation of the hospital, to a private not-for-profit
21 corporation organized solely for the purpose of operating the
22 hospital and ancillary health care facilities of the health
23 center and other health care facilities and programs
24 determined to be necessary by the board of the nonprofit
25 corporation. The rental for the hospital facilities shall be
26 an amount equal to the debt service on bonds or revenue
27 certificates issued solely for capital improvements to the
28 hospital facilities or as otherwise provided by law.

29 (b) The University of Florida Board of Trustees shall
30 provide in the lease or by separate contract or agreement with
31 the not-for-profit corporation for the following:

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1 1. Approval of the articles of incorporation of the
2 not-for-profit corporation by the University of Florida Board
3 of Trustees and the governance of the not-for-profit
4 corporation by a board of directors appointed and chaired by
5 the President of the University of Florida, or his or her
6 designee, and vice chaired by the Vice President for Health
7 Affairs of the University of Florida.

8 2. The use of hospital facilities and personnel in
9 support of the research programs and of the teaching role of
10 the health center.

11 3. The continued recognition of the collective
12 bargaining units and collective bargaining agreements as
13 currently composed and recognition of the certified labor
14 organizations representing those units and agreements.

15 4. The use of hospital facilities and personnel in
16 connection with research programs conducted by the health
17 center.

18 5. Reimbursement to the hospital for indigent
19 patients, state-mandated programs, underfunded state programs,
20 and costs to the hospital for support of the teaching and
21 research programs of the health center. Such reimbursement
22 shall be appropriated to either the health center or the
23 hospital each year by the Legislature after review and
24 approval of the request for funds.

25 (c) The University of Florida Board of Trustees may,
26 with the approval of the Legislature, increase the hospital
27 facilities or remodel or renovate them, provided that the
28 rental paid by the hospital for such new, remodeled, or
29 renovated facilities is sufficient to amortize the costs
30 thereof over a reasonable period of time or fund the debt
31 service for any bonds or revenue certificates issued to

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1 finance such improvements.

2 (d) The University of Florida Board of Trustees is
3 authorized to provide to the not-for-profit corporation
4 leasing the hospital facilities and its not-for-profit
5 subsidiaries comprehensive general liability insurance
6 including professional liability from a self-insurance trust
7 program established pursuant to s. 1004.24.

8 (e) In the event that the lease of the hospital
9 facilities to the not-for-profit corporation is terminated for
10 any reason, the University of Florida Board of Trustees shall
11 resume management and operation of the hospital facilities.
12 In such event, the Administration Commission is authorized to
13 appropriate revenues generated from the operation of the
14 hospital facilities to the University of Florida Board of
15 Trustees to pay the costs and expenses of operating the
16 hospital facility for the remainder of the fiscal year in
17 which such termination occurs.

18 (f) The University of Florida Board of Trustees is
19 authorized to provide to Shands Jacksonville Healthcare, Inc.,
20 and its not-for-profit subsidiaries and affiliates and any
21 successor corporation that acts in support of the board of
22 trustees, comprehensive general liability coverage, including
23 professional liability, from the self-insurance programs
24 established pursuant to s. 1004.24.

25 Section 187. Section 1004.42, Florida Statutes, is
26 created to read:

27 1004.42 Florida State University College of
28 Medicine.--

29 (1) CREATION.--There is hereby established a 4-year
30 allopathic medical school within the Florida State University,
31 to be known as the Florida State University College of

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1 Medicine, with a principal focus on recruiting and training
2 medical professionals to meet the primary health care needs of
3 the state, especially the needs of the state's elderly, rural,
4 minority, and other underserved citizens.

5 (2) LEGISLATIVE INTENT.--It is the intent of the
6 Legislature that the Florida State University College of
7 Medicine represent a new model for the training of allopathic
8 physician healers for the citizens of the state. In accordance
9 with this intent, the governing philosophy of the College of
10 Medicine should include the training of students, in a humane
11 environment, in the scientific, clinical, and behavioral
12 practices required to deliver patient-centered health care.
13 Key components of the College of Medicine, which would build
14 on the foundation of the 30-year-old Florida State University
15 Program in Medical Sciences (PIMS), would include: admission
16 of diverse types of students who possess good communication
17 skills and are compassionate individuals, representative of
18 the population of the state; basic and behavioral sciences
19 training utilizing medical problem-based teaching; and
20 clinical training at several dispersed sites throughout the
21 state in existing community hospitals, clinics, and doctors'
22 offices. The Legislature further intends that study of the
23 aging human be a continuing focus throughout the 4-year
24 curriculum and that use of information technology be a key
25 component of all parts of the educational program.

26 (3) PURPOSE.--The College of Medicine shall be
27 dedicated to: preparing physicians to practice primary care,
28 geriatric, and rural medicine, to make appropriate use of
29 emerging technologies, and to function successfully in a
30 rapidly changing health care environment; advancing knowledge
31 in the applied biomedical and behavioral sciences, geriatric

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1 research, autism, cancer, and chronic diseases; training
2 future scientists to assume leadership in health care delivery
3 and academic medicine; and providing access to medical
4 education for groups which are underrepresented in the medical
5 profession.

6 (4) TRANSITION; ORGANIZATIONAL STRUCTURE; ADMISSIONS
7 PROCESS.--The General Appropriations Act for fiscal year
8 1999-2000 included initial funding for facilities and
9 operations to provide a transition from the Program in Medical
10 Sciences (PIMS) to a College of Medicine at the Florida State
11 University. For transitional purposes, the Program in Medical
12 Sciences (PIMS) in the College of Arts and Sciences at the
13 Florida State University shall be reorganized and
14 restructured, as soon as practicable, as the Institute of
15 Human Medical Sciences. At such time as the 4-year educational
16 program development is underway and a sufficient number of
17 basic and behavioral sciences and clinical faculty are
18 recruited, the Institute of Human Medical Sciences shall
19 evolve into the Florida State University College of Medicine,
20 with appropriate departments. The current admissions procedure
21 utilized by the Program in Medical Sciences (PIMS) shall
22 provide the basis for the design of an admissions process for
23 the College of Medicine, with selection criteria that focus on
24 identifying future primary care physicians who have
25 demonstrated interest in serving underserved areas. Enrollment
26 levels at the College of Medicine are planned to not exceed
27 120 students per class, and shall be phased in from 30
28 students in the Program in Medical Sciences (PIMS), to 40
29 students admitted to the College of Medicine as the charter
30 class in Fall 2001, and 20 additional students admitted to the
31 College of Medicine in each class thereafter until the maximum

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1 class size is reached.

2 (5) PARTNER ORGANIZATIONS FOR CLINICAL INSTRUCTION;
3 GRADUATE PROGRAMS.--To provide broad-based clinical
4 instruction in both rural and urban settings for students in
5 the community-based medical education program, the College of
6 Medicine, through creation of nonprofit corporations, shall
7 seek affiliation agreements with health care systems and
8 organizations, local hospitals, medical schools, and military
9 health care facilities in the following targeted communities:
10 Pensacola, Tallahassee, Orlando, Sarasota, Jacksonville, and
11 the rural areas of the state. Selected hospitals in the target
12 communities include, but are not limited to, the following:

- 13 (a) Baptist Health Care in Pensacola.
14 (b) Sacred Heart Health System in Pensacola.
15 (c) West Florida Regional Medical Center in Pensacola.
16 (d) Tallahassee Memorial Healthcare in Tallahassee.
17 (e) Florida Hospital Health System in Orlando.
18 (f) Sarasota Memorial Health Care System in Sarasota.
19 (g) Mayo Clinic in Jacksonville.
20 (h) Lee Memorial Health System, Inc., in Fort Myers.
21 (i) Rural hospitals in the state.

22
23 The College of Medicine shall also explore all alternatives
24 for cooperation with established graduate medical education
25 programs in the state to develop a plan to retain its
26 graduates in residency programs in Florida.

27 (6) ACCREDITATION.--The College of Medicine shall
28 develop a program which conforms to the accreditation
29 standards of the Liaison Committee on Medical Education
30 (LCME).

31 (7) CURRICULA; CLINICAL ROTATION TRAINING SITES.--

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1 (a) The preclinical curriculum shall draw on the
2 Florida State University's Program in Medical Sciences (PIMS)
3 experience and national trends in basic and behavioral
4 sciences instruction, including use of technology for
5 distributed and distance learning. First-year instruction
6 shall include a lecture mode and problem-based learning. In
7 the second year, a small-group, problem-based learning
8 approach shall provide more advanced treatment of each
9 academic subject in a patient-centered context. Various
10 short-term clinical exposures shall be programmed throughout
11 the preclinical years, including rural, geriatric, and
12 minority health, and contemporary practice patterns in these
13 areas.

14 (b) During the third and fourth years, the curriculum
15 shall follow a distributed, community-based model with a
16 special focus on rural health. Subgroups of students shall be
17 assigned to clinical rotation training sites in local
18 communities in roughly equal numbers, as follows:

- 19 1. Group 1 - Tallahassee.
20 2. Group 2 - Pensacola.
21 3. Group 3 - Orlando.
22 4. Group 4 - Sarasota.
23 5. Group 5 - Jacksonville.
24 6. Group 6 - To be determined prior to 2005, based on
25 emerging state needs.

26 7. Group 7 - Rural Physician Associate Program (RPAP).

27 (8) MEDICAL NEEDS OF THE ELDERLY.--The College of
28 Medicine shall develop a comprehensive program to ensure
29 training in the medical needs of the elderly and incorporate
30 principles embodied in the curriculum guidelines of the
31 American Geriatric Society. The College of Medicine shall

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1 have as one of its primary missions the improvement of medical
2 education for physicians who will treat elder citizens. To
3 accomplish this mission, the College of Medicine shall
4 establish an academic leadership position in geriatrics,
5 create an external elder care advisory committee, and
6 implement an extensive faculty development plan. For student
7 recruitment purposes, the current Program in Medical Sciences
8 (PIMS) selection criteria shall be expanded to include
9 consideration of students who have expressed an interest in
10 elder care and who have demonstrated, through life choices, a
11 commitment to serve older persons.

12 (9) MEDICAL NEEDS OF UNDERSERVED AREAS.--To address
13 the medical needs of the state's rural and underserved
14 populations, the College of Medicine shall develop a
15 Department of Family Medicine with a significant rural
16 training track that provides students with early and frequent
17 clinical experiences in community-based settings to train and
18 produce highly skilled primary care physicians. The College
19 of Medicine shall consider developing new, rural-based family
20 practice clinical training programs and shall establish a
21 partnership with the West Florida Area Health Education Center
22 to assist in developing partnerships and programs to provide
23 incentives and support for physicians to practice in primary
24 care, geriatric, and rural medicine in underserved areas of
25 the state.

26 (10) INCREASING PARTICIPATION OF UNDERREPRESENTED
27 GROUPS.--To increase the participation of underrepresented
28 groups and socially and economically disadvantaged youth in
29 science and medical programs, the College of Medicine shall
30 continue the outreach efforts of the Program in Medical
31 Sciences (PIMS) to middle and high school minority students,

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1 including the Science Students Together Reaching Instructional
2 Diversity and Excellence (SSTRIDE), and shall build an
3 endowment income to support recruitment programs and
4 scholarship and financial aid packages for these students. To
5 develop a base of qualified potential medical school
6 candidates from underrepresented groups, the College of
7 Medicine shall coordinate with the undergraduate premedical
8 and science programs currently offered at the Florida State
9 University, develop relationships with potential feeder
10 institutions, including 4-year institutions and community
11 colleges, and pursue grant funds to support programs, as well
12 as support scholarship and financial aid packages. The College
13 of Medicine shall develop plans for a postbaccalaureate,
14 1-year academic program that provides a second chance to a
15 limited number of students per year who have been declined
16 medical school admission, who are state residents, and who
17 meet established criteria as socially and economically
18 disadvantaged. The College of Medicine shall make every
19 effort, through recruitment and retention, to employ a faculty
20 and support staff that reflect the heterogeneous nature of the
21 state's general population.

22 (11) TECHNOLOGY.--To create technology-rich learning
23 environments, the College of Medicine shall build on the
24 considerable infrastructure that already supports the many
25 technology resources of the Florida State University and shall
26 expand the infrastructure to conduct an effective medical
27 education program, including connectivity between the main
28 campus, community-based training locations, and rural clinic
29 locations. Additional technology programs shall include
30 extensive professional development opportunities for faculty;
31 an on-line library of academic and medical resources for

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1 students, faculty, and community preceptors; and
2 technology-sharing agreements with other medical schools to
3 allow for the exchange of technology applications among
4 medical school faculty for the purpose of enhancing medical
5 education. The College of Medicine shall explore the
6 opportunities afforded by Mayo Clinic in Jacksonville through
7 clerkships, visiting professors or lectures through the
8 existing telecommunications systems, and collaboration in
9 research activities at the Mayo Clinic's Jacksonville campus.
10 (12) ADMINISTRATION; FACULTY.--Each of the major
11 community-based clinical rotation training sites described in
12 subsection (7) shall have a community dean and a student
13 affairs/administrative officer. Teaching faculty for the
14 community-based clinical training component shall be community
15 physicians serving part-time appointments. Sixty faculty
16 members shall be recruited to serve in the basic and
17 behavioral sciences department. The College of Medicine shall
18 have a small core staff of on-campus, full-time faculty and
19 administrators at the Florida State University, including a
20 dean, a senior associate dean for educational programs, an
21 associate dean for clinical education, a chief
22 financial/administrative officer, an admissions/student
23 affairs officer, an instructional resources coordinator, a
24 coordinator for graduate and continuing medical education, and
25 several mission focus coordinators.
26 (13) COLLABORATION WITH OTHER PROFESSIONALS.--To
27 provide students with the skills, knowledge, and values needed
28 to practice medicine in the evolving national system of health
29 care delivery, the College of Medicine shall fully integrate
30 modern health care delivery concepts into its curriculum. For
31 this purpose, the College of Medicine shall develop a

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1 partnership with one or more health care organizations in the
2 state and shall recruit faculty with strong health care
3 delivery competencies. Faculty from other disciplines at the
4 Florida State University shall be utilized to develop
5 team-based approaches to core competencies in the delivery of
6 health care.

7 (14) INDEMNIFICATION FROM LIABILITY.--This section
8 shall be construed to authorize the Florida State University
9 Board of Trustees to negotiate and purchase policies of
10 insurance to indemnify from any liability those individuals or
11 entities providing sponsorship or training to the students of
12 the medical school, professionals employed by the medical
13 school, and students of the medical school.

14 Section 188. Section 1004.43, Florida Statutes, is
15 created to read:

16 1004.43 H. Lee Moffitt Cancer Center and Research
17 Institute.--There is established the H. Lee Moffitt Cancer
18 Center and Research Institute at the University of South
19 Florida.

20 (1) The State Board of Education shall enter into an
21 agreement for the utilization of the facilities on the campus
22 of the University of South Florida to be known as the H. Lee
23 Moffitt Cancer Center and Research Institute, including all
24 furnishings, equipment, and other chattels used in the
25 operation of said facilities, with a Florida not-for-profit
26 corporation organized solely for the purpose of governing and
27 operating the H. Lee Moffitt Cancer Center and Research
28 Institute. This not-for-profit corporation, acting as an
29 instrumentality of the State of Florida, shall govern and
30 operate the H. Lee Moffitt Cancer Center and Research
31 Institute in accordance with the terms of the agreement

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1 between the State Board of Education and the not-for-profit
2 corporation. The not-for-profit corporation may, with the
3 prior approval of the State Board of Education, create
4 not-for-profit corporate subsidiaries to fulfill its mission.
5 The not-for-profit corporation and its subsidiaries are
6 authorized to receive, hold, invest, and administer property
7 and any moneys received from private, local, state, and
8 federal sources, as well as technical and professional income
9 generated or derived from practice activities of the
10 institute, for the benefit of the institute and the
11 fulfillment of its mission. The affairs of the corporation
12 shall be managed by a board of directors who shall serve
13 without compensation. The President of the University of
14 South Florida and the chair of the State Board of Education,
15 or his or her designee, shall be directors of the
16 not-for-profit corporation, together with 5 representatives of
17 the state universities and no more than 14 nor fewer than 10
18 directors who are not medical doctors or state employees.
19 Each director shall have only one vote, shall serve a term of
20 3 years, and may be reelected to the board. Other than the
21 President of the University of South Florida and the chair of
22 the State Board of Education, directors shall be elected by a
23 majority vote of the board. The chair of the board of
24 directors shall be selected by majority vote of the directors.

25 (2) The State Board of Education shall provide in the
26 agreement with the not-for-profit corporation for the
27 following:

28 (a) Approval of the articles of incorporation of the
29 not-for-profit corporation by the State Board of Education.

30 (b) Approval of the articles of incorporation of any
31 not-for-profit corporate subsidiary created by the

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1 not-for-profit corporation.

2 (c) Utilization of hospital facilities and personnel
3 by the not-for-profit corporation and its subsidiaries for
4 mutually approved teaching and research programs conducted by
5 the University of South Florida or other accredited medical
6 schools or research institutes.

7 (d) Preparation of an annual financial audit of the
8 not-for-profit corporation's accounts and records and the
9 accounts and records of any subsidiaries to be conducted by an
10 independent certified public accountant. The annual audit
11 report shall include a management letter, as defined in s.
12 11.45, and shall be submitted to the Auditor General and the
13 State Board of Education. The State Board of Education, the
14 Auditor General, and the Office of Program Policy Analysis and
15 Government Accountability shall have the authority to require
16 and receive from the not-for-profit corporation and any
17 subsidiaries or from their independent auditor any detail or
18 supplemental data relative to the operation of the
19 not-for-profit corporation or subsidiary.

20 (e) Provision by the not-for-profit corporation and
21 its subsidiaries of equal employment opportunities to all
22 persons regardless of race, color, religion, sex, age, or
23 national origin.

24 (3) The State Board of Education is authorized to
25 secure comprehensive general liability protection, including
26 professional liability protection, for the not-for-profit
27 corporation and its subsidiaries pursuant to s. 1004.24.

28 (4) In the event that the agreement between the
29 not-for-profit corporation and the State Board of Education is
30 terminated for any reason, the State Board of Education shall
31 resume governance and operation of said facilities.

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1 (5) The institute shall be administered by a chief
2 executive officer who shall serve at the pleasure of the board
3 of directors of the not-for-profit corporation and who shall
4 have the following powers and duties subject to the approval
5 of the board of directors:

6 (a) The chief executive officer shall establish
7 programs which fulfill the mission of the institute in
8 research, education, treatment, prevention, and the early
9 detection of cancer; however, the chief executive officer
10 shall not establish academic programs for which academic
11 credit is awarded and which terminate in the conference of a
12 degree without prior approval of the State Board of Education.

13 (b) The chief executive officer shall have control
14 over the budget and the dollars appropriated or donated to the
15 institute from private, local, state, and federal sources, as
16 well as technical and professional income generated or derived
17 from practice activities of the institute. However,
18 professional income generated by university faculty from
19 practice activities at the institute shall be shared between
20 the institute and the university as determined by the chief
21 executive officer and the appropriate university dean or vice
22 president.

23 (c) The chief executive officer shall appoint members
24 to carry out the research, patient care, and educational
25 activities of the institute and determine compensation,
26 benefits, and terms of service. Members of the institute
27 shall be eligible to hold concurrent appointments at
28 affiliated academic institutions. University faculty shall be
29 eligible to hold concurrent appointments at the institute.

30 (d) The chief executive officer shall have control
31 over the use and assignment of space and equipment within the

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1 facilities.

2 (e) The chief executive officer shall have the power
3 to create the administrative structure necessary to carry out
4 the mission of the institute.

5 (f) The chief executive officer shall have a reporting
6 relationship to the Commissioner of Education.

7 (g) The chief executive officer shall provide a copy
8 of the institute's annual report to the Governor and Cabinet,
9 the President of the Senate, the Speaker of the House of
10 Representatives, and the chair of the State Board of
11 Education.

12 (6) The board of directors of the not-for-profit
13 corporation shall create a council of scientific advisers to
14 the chief executive officer comprised of leading researchers,
15 physicians, and scientists. This council shall review programs
16 and recommend research priorities and initiatives so as to
17 maximize the state's investment in the institute. The council
18 shall be appointed by the board of directors of the
19 not-for-profit corporation and shall include five appointees
20 of the State Board of Education. Each member of the council
21 shall be appointed to serve a 2-year term and may be
22 reappointed to the council.

23 (7) In carrying out the provisions of this section,
24 the not-for-profit corporation and its subsidiaries are not
25 "agencies" within the meaning of s. 20.03(11).

26 (8)(a) Records of the not-for-profit corporation and
27 of its subsidiaries are public records unless made
28 confidential or exempt by law.

29 (b) Proprietary confidential business information is
30 confidential and exempt from the provisions of s. 119.07(1)
31 and s. 24(a), Art. I of the State Constitution. However, the

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1 Auditor General, the Office of Program Policy Analysis and
2 Government Accountability, and the State Board of Education,
3 pursuant to their oversight and auditing functions, must be
4 given access to all proprietary confidential business
5 information upon request and without subpoena and must
6 maintain the confidentiality of information so received. As
7 used in this paragraph, the term "proprietary confidential
8 business information" means information, regardless of its
9 form or characteristics, which is owned or controlled by the
10 not-for-profit corporation or its subsidiaries; is intended to
11 be and is treated by the not-for-profit corporation or its
12 subsidiaries as private and the disclosure of which would harm
13 the business operations of the not-for-profit corporation or
14 its subsidiaries; has not been intentionally disclosed by the
15 corporation or its subsidiaries unless pursuant to law, an
16 order of a court or administrative body, a legislative
17 proceeding pursuant to s. 5, Art. III of the State
18 Constitution, or a private agreement that provides that the
19 information may be released to the public; and which is
20 information concerning:

21 1. Internal auditing controls and reports of internal
22 auditors;

23 2. Matters reasonably encompassed in privileged
24 attorney-client communications;

25 3. Contracts for managed-care arrangements, including
26 preferred provider organization contracts, health maintenance
27 organization contracts, and exclusive provider organization
28 contracts, and any documents directly relating to the
29 negotiation, performance, and implementation of any such
30 contracts for managed-care arrangements;

31 4. Bids or other contractual data, banking records,

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1 and credit agreements the disclosure of which would impair the
2 efforts of the not-for-profit corporation or its subsidiaries
3 to contract for goods or services on favorable terms;

4 5. Information relating to private contractual data,
5 the disclosure of which would impair the competitive interest
6 of the provider of the information;

7 6. Corporate officer and employee personnel
8 information;

9 7. Information relating to the proceedings and records
10 of credentialing panels and committees and of the governing
11 board of the not-for-profit corporation or its subsidiaries
12 relating to credentialing;

13 8. Minutes of meetings of the governing board of the
14 not-for-profit corporation and its subsidiaries, except
15 minutes of meetings open to the public pursuant to subsection
16 (9);

17 9. Information that reveals plans for marketing
18 services that the corporation or its subsidiaries reasonably
19 expect to be provided by competitors;

20 10. Trade secrets as defined in s. 688.002, including
21 reimbursement methodologies or rates; or

22 11. The identity of donors or prospective donors of
23 property who wish to remain anonymous or any information
24 identifying such donors or prospective donors. The anonymity
25 of these donors or prospective donors must be maintained in
26 the auditor's report.

27
28 As used in this paragraph, the term "managed care" means
29 systems or techniques generally used by third-party payors or
30 their agents to affect access to and control payment for
31 health care services. Managed-care techniques most often

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1 include one or more of the following: prior, concurrent, and
2 retrospective review of the medical necessity and
3 appropriateness of services or site of services; contracts
4 with selected health care providers; financial incentives or
5 disincentives related to the use of specific providers,
6 services, or service sites; controlled access to and
7 coordination of services by a case manager; and payor efforts
8 to identify treatment alternatives and modify benefit
9 restrictions for high-cost patient care.

10 (9) Meetings of the governing board of the
11 not-for-profit corporation and meetings of the subsidiaries of
12 the not-for-profit corporation at which the expenditure of
13 dollars appropriated to the not-for-profit corporation by the
14 state are discussed or reported must remain open to the public
15 in accordance with s. 286.011 and s. 24(b), Art. I of the
16 State Constitution, unless made confidential or exempt by law.
17 Other meetings of the governing board of the not-for-profit
18 corporation and of the subsidiaries of the not-for-profit
19 corporation are exempt from s. 286.011 and s. 24(b), Art. I of
20 the State Constitution.

21 Section 189. Section 1004.435, Florida Statutes, is
22 created to read:

23 1004.435 Cancer control and research.--

24 (1) SHORT TITLE.--This section shall be known and may
25 be cited as the "Cancer Control and Research Act."

26 (2) LEGISLATIVE INTENT.--It is the finding of the
27 Legislature that:

28 (a) Advances in scientific knowledge have led to the
29 development of preventive and therapeutic capabilities in the
30 control of cancer. Such knowledge and therapy must be made
31 available to all citizens of this state through educational

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1 and therapeutic programs.

2 (b) The present state of our knowledge concerning the
3 prevalence, cause or associated factors, and treatment of
4 cancer have resulted primarily from a vast federal investment
5 into basic and clinical research, some of which is expended in
6 this state. These research activities must continue, but
7 programs must be established to extend this knowledge in
8 preventive measures and patient treatment throughout the
9 state.

10 (c) Research in cancer has implicated the environment
11 as a causal factor for many types of cancer, i.e., sunshine, X
12 rays, diet, smoking, etc., and programs are needed to further
13 document such cause and effect relationships. Proven causes
14 of cancer should be publicized and be the subject of
15 educational programs for the prevention of cancer.

16 (d) An effective cancer control program would mobilize
17 the scientific, educational, and medical resources that
18 presently exist into an intense attack against this dread
19 disease.

20 (3) DEFINITIONS.--The following words and phrases when
21 used in this section have, unless the context clearly
22 indicates otherwise, the meanings given to them in this
23 subsection:

24 (a) "Cancer" means all malignant neoplasms, regardless
25 of the tissue of origin, including lymphoma and leukemia.

26 (b) "Council" means the Florida Cancer Control and
27 Research Advisory Council, which is an advisory body appointed
28 to function on a continuing basis for the study of cancer and
29 which recommends solutions and policy alternatives to the
30 State Board of Education and the secretary and which is
31 established by this section.

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1 (c) "Department" means the Department of Health.

2 (d) "Fund" means the Florida Cancer Control and
3 Research Fund established by this section.

4 (e) "Qualified nonprofit association" means any
5 association, incorporated or unincorporated, that has received
6 tax-exempt status from the Internal Revenue Service.

7 (f) "Secretary" means the Secretary of Health.

8 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY
9 COUNCIL; CREATION; COMPOSITION.--

10 (a) There is created within the H. Lee Moffitt Cancer
11 Center and Research Institute, Inc., the Florida Cancer
12 Control and Research Advisory Council. The council shall
13 consist of 35 members, which includes the chairperson, all of
14 whom must be residents of this state. All members, except
15 those appointed by the Speaker of the House of Representatives
16 and the President of the Senate, must be appointed by the
17 Governor. At least one of the members appointed by the
18 Governor must be 60 years of age or older. One member must be
19 a representative of the American Cancer Society; one member
20 must be a representative of the Florida Tumor Registrars
21 Association; one member must be a representative of the
22 Sylvester Comprehensive Cancer Center of the University of
23 Miami; one member must be a representative of the Department
24 of Health; one member must be a representative of the
25 University of Florida Shands Cancer Center; one member must be
26 a representative of the Agency for Health Care Administration;
27 one member must be a representative of the Florida Nurses
28 Association; one member must be a representative of the
29 Florida Osteopathic Medical Association; one member must be a
30 representative of the American College of Surgeons; one member
31 must be a representative of the School of Medicine of the

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1 University of Miami; one member must be a representative of
2 the College of Medicine of the University of Florida; one
3 member must be a representative of NOVA Southeastern College
4 of Osteopathic Medicine; one member must be a representative
5 of the College of Medicine of the University of South Florida;
6 one member must be a representative of the College of Public
7 Health of the University of South Florida; one member must be
8 a representative of the Florida Society of Clinical Oncology;
9 one member must be a representative of the Florida Obstetric
10 and Gynecologic Society who has had training in the specialty
11 of gynecologic oncology; one member must be a representative
12 of the Florida Medical Association; one member must be a
13 member of the Florida Pediatric Society; one member must be a
14 representative of the Florida Radiological Society; one member
15 must be a representative of the Florida Society of
16 Pathologists; one member must be a representative of the H.
17 Lee Moffitt Cancer Center and Research Institute, Inc.; three
18 members must be representatives of the general public acting
19 as consumer advocates; one member must be a member of the
20 House of Representatives appointed by the Speaker of the House
21 of Representatives; one member must be a member of the Senate
22 appointed by the President of the Senate; one member must be a
23 representative of the Department of Education; one member must
24 be a representative of the Florida Dental Association; one
25 member must be a representative of the Florida Hospital
26 Association; one member must be a representative of the
27 Association of Community Cancer Centers; one member shall be a
28 representative from a statutory teaching hospital affiliated
29 with a community-based cancer center; one member must be a
30 representative of the Florida Association of Pediatric Tumor
31 Programs, Inc.; one member must be a representative of the

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1 Cancer Information Service; one member must be a
2 representative of the Florida Agricultural and Mechanical
3 University Institute of Public Health; and one member must be
4 a representative of the Florida Society of Oncology Social
5 Workers. Of the members of the council appointed by the
6 Governor, at least 10 must be individuals who are minority
7 persons as defined by s. 288.703(3).

8 (b) The terms of the members shall be 4 years from
9 their respective dates of appointment.

10 (c) A chairperson shall be appointed by the Governor
11 for a term of 2 years. The chairperson shall appoint an
12 executive committee of no fewer than three persons to serve at
13 the pleasure of the chairperson. This committee will prepare
14 material for the council but make no final decisions.

15 (d) The council shall meet no less than semiannually
16 at the call of the chairperson or, in his or her absence or
17 incapacity, at the call of the secretary. Sixteen members
18 constitute a quorum for the purpose of exercising all of the
19 powers of the council. A vote of the majority of the members
20 present is sufficient for all actions of the council.

21 (e) The council members shall serve without pay.
22 Pursuant to the provisions of s. 112.061, the council members
23 may be entitled to be reimbursed for per diem and travel
24 expenses.

25 (f) No member of the council shall participate in any
26 discussion or decision to recommend grants or contracts to any
27 qualified nonprofit association or to any agency of this state
28 or its political subdivisions with which the member is
29 associated as a member of the governing body or as an employee
30 or with which the member has entered into a contractual
31 arrangement.

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1 (g) The council may prescribe, amend, and repeal
2 bylaws governing the manner in which the business of the
3 council is conducted.

4 (h) The council shall advise the State Board of
5 Education, the secretary, and the Legislature with respect to
6 cancer control and research in this state.

7 (i) The council shall approve each year a program for
8 cancer control and research to be known as the "Florida Cancer
9 Plan" which shall be consistent with the State Health Plan and
10 integrated and coordinated with existing programs in this
11 state.

12 (j) The council shall formulate and recommend to the
13 secretary a plan for the care and treatment of persons
14 suffering from cancer and recommend the establishment of
15 standard requirements for the organization, equipment, and
16 conduct of cancer units or departments in hospitals and
17 clinics in this state. The council may recommend to the
18 secretary the designation of cancer units following a survey
19 of the needs and facilities for treatment of cancer in the
20 various localities throughout the state. The secretary shall
21 consider the plan in developing departmental priorities and
22 funding priorities and standards under chapter 395.

23 (k) The council is responsible for including in the
24 Florida Cancer Plan recommendations for the coordination and
25 integration of medical, nursing, paramedical, lay, and other
26 plans concerned with cancer control and research. Committees
27 shall be formed by the council so that the following areas
28 will be established as entities for actions:

29 1. Cancer plan evaluation: tumor registry, data
30 retrieval systems, and epidemiology of cancer in the state and
31 its relation to other areas.

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- 1 2. Cancer prevention.
2 3. Cancer detection.
3 4. Cancer patient management: treatment,
4 rehabilitation, terminal care, and other patient-oriented
5 activities.
6 5. Cancer education: lay and professional.
7 6. Unproven methods of cancer therapy: quackery and
8 unorthodox therapies.
9 7. Investigator-initiated project research.
10 (1) In order to implement in whole or in part the
11 Florida Cancer Plan, the council shall recommend to the State
12 Board of Education or the secretary the awarding of grants and
13 contracts to qualified profit or nonprofit associations or
14 governmental agencies in order to plan, establish, or conduct
15 programs in cancer control or prevention, cancer education and
16 training, and cancer research.
17 (m) If funds are specifically appropriated by the
18 Legislature, the council shall develop or purchase
19 standardized written summaries, written in layperson's terms
20 and in language easily understood by the average adult
21 patient, informing actual and high-risk breast cancer
22 patients, prostate cancer patients, and men who are
23 considering prostate cancer screening of the medically viable
24 treatment alternatives available to them in the effective
25 management of breast cancer and prostate cancer; describing
26 such treatment alternatives; and explaining the relative
27 advantages, disadvantages, and risks associated therewith.
28 The breast cancer summary, upon its completion, shall be
29 printed in the form of a pamphlet or booklet and made
30 continuously available to physicians and surgeons in this
31 state for their use in accordance with s. 458.324 and to

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1 osteopathic physicians in this state for their use in
2 accordance with s. 459.0125. The council shall periodically
3 update both summaries to reflect current standards of medical
4 practice in the treatment of breast cancer and prostate
5 cancer. The council shall develop and implement educational
6 programs, including distribution of the summaries developed or
7 purchased under this paragraph, to inform citizen groups,
8 associations, and voluntary organizations about early
9 detection and treatment of breast cancer and prostate cancer.

10 (n) The council shall have the responsibility to
11 advise the State Board of Education and the secretary on
12 methods of enforcing and implementing laws already enacted and
13 concerned with cancer control, research, and education.

14 (o) The council may recommend to the State Board of
15 Education or the secretary rules not inconsistent with law as
16 it may deem necessary for the performance of its duties and
17 the proper administration of this section.

18 (p) The council shall formulate and put into effect a
19 continuing educational program for the prevention of cancer
20 and its early diagnosis and disseminate to hospitals, cancer
21 patients, and the public information concerning the proper
22 treatment of cancer.

23 (q) The council shall be physically located at the H.
24 Lee Moffitt Cancer Center and Research Institute, Inc., at the
25 University of South Florida.

26 (r) On February 15 of each year, the council shall
27 report to the Governor and to the Legislature.

28 (5) RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION,
29 THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.,
30 AND THE SECRETARY.--

31 (a) The State Board of Education or the secretary,

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1 after consultation with the council, shall award grants and
2 contracts to qualified nonprofit associations and governmental
3 agencies in order to plan, establish, or conduct programs in
4 cancer control and prevention, cancer education and training,
5 and cancer research.

6 (b) The H. Lee Moffitt Cancer Center and Research
7 Institute, Inc., shall provide such staff, information, and
8 other assistance as reasonably necessary for the completion of
9 the responsibilities of the council.

10 (c) The State Board of Education or the secretary,
11 after consultation with the council, may adopt rules necessary
12 for the implementation of this section.

13 (d) The secretary, after consultation with the
14 council, shall make rules specifying to what extent and on
15 what terms and conditions cancer patients of the state may
16 receive financial aid for the diagnosis and treatment of
17 cancer in any hospital or clinic selected. The department may
18 furnish to citizens of this state who are afflicted with
19 cancer financial aid to the extent of the appropriation
20 provided for that purpose in a manner which in its opinion
21 will afford the greatest benefit to those afflicted and may
22 make arrangements with hospitals, laboratories, or clinics to
23 afford proper care and treatment for cancer patients in this
24 state.

25 (6) FLORIDA CANCER CONTROL AND RESEARCH FUND.--

26 (a) There is created the Florida Cancer Control and
27 Research Fund consisting of funds appropriated therefor from
28 the General Revenue Fund and any gifts, grants, or funds
29 received from other sources.

30 (b) The fund shall be used exclusively for grants and
31 contracts to qualified nonprofit associations or governmental

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1 agencies for the purpose of cancer control and prevention,
2 cancer education and training, cancer research, and all
3 expenses incurred in connection with the administration of
4 this section and the programs funded through the grants and
5 contracts authorized by the State Board of Education or the
6 secretary.

7 Section 190. Section 1004.44, Florida Statutes, is
8 created to read:

9 1004.44 Louis de la Parte Florida Mental Health
10 Institute.--There is established the Louis de la Parte Florida
11 Mental Health Institute within the University of South
12 Florida.

13 (1) The purpose of the institute is to strengthen
14 mental health services throughout the state by providing
15 technical assistance and support services to mental health
16 agencies and mental health professionals. Such assistance and
17 services shall include:

18 (a) Technical training and specialized education.

19 (b) Development, implementation, and evaluation of
20 mental health service programs.

21 (c) Evaluation of availability and effectiveness of
22 existing mental health services.

23 (d) Analysis of factors that influence the incidence
24 and prevalence of mental and emotional disorders.

25 (e) Dissemination of information about innovations in
26 mental health services.

27 (f) Consultation on all aspects of program development
28 and implementation.

29 (g) Provisions for direct client services, provided
30 for a limited period of time either in the institute facility
31 or in other facilities within the state, and limited to

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1 purposes of research or training.

2 (2) The Department of Children and Family Services is
3 authorized to designate the Louis de la Parte Florida Mental
4 Health Institute a treatment facility for the purpose of
5 accepting voluntary and involuntary clients in accordance with
6 institute programs. Clients to be admitted are exempted from
7 prior screening by a community mental health center.

8 (3) The institute may provide direct services in
9 coordination with other agencies. The institute may also
10 provide support services to state agencies through joint
11 programs, collaborative agreements, contracts, and grants.

12 (4) The institute shall operate under the authority of
13 the President of the University of South Florida and shall
14 employ a mental health professional as director. The director
15 shall hold a faculty appointment in a university's college or
16 department related to mental health within the university.
17 The director has primary responsibility for establishing
18 active liaisons with the community of mental health
19 professionals and other related constituencies in the state
20 and may, with approval of the university president, establish
21 appropriate statewide advisory groups to assist in developing
22 these communication links.

23 Section 191. Section 1004.445, Florida Statutes, is
24 created to read:

25 1004.445 Florida Alzheimer's Center and Research
26 Institute.--

27 (1) There is established the Florida Alzheimer's
28 Center and Research Institute at the University of South
29 Florida.

30 (2)(a) The State Board of Education shall enter into
31 an agreement for the utilization of the facilities on the

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1 campus of the University of South Florida to be known as the
2 Florida Alzheimer's Center and Research Institute, including
3 all 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 Florida Alzheimer's Center and Research
7 Institute. This not-for-profit corporation, acting as an
8 instrumentality of the state, shall govern and operate the
9 Florida Alzheimer's Center and Research Institute in
10 accordance with the terms of the agreement between the State
11 Board of Education and the not-for-profit corporation. The
12 not-for-profit corporation may, with the prior approval of the
13 State Board of Education, create not-for-profit corporate
14 subsidiaries to fulfill its mission. The not-for-profit
15 corporation and its subsidiaries are authorized to receive,
16 hold, invest, and administer property and any moneys received
17 from private, local, state, and federal sources, as well as
18 technical and professional income generated or derived from
19 practice activities of the institute, for the benefit of the
20 institute and the fulfillment of its mission.

21 (b)1. The affairs of the not-for-profit corporation
22 shall be managed by a board of directors who shall serve
23 without compensation. The board of directors shall consist of
24 the President of the University of South Florida and the chair
25 of the State Board of Education, or their designees, five
26 representatives of the state universities, and no fewer than
27 nine nor more than 14 representatives of the public who are
28 neither medical doctors nor state employees. Each director
29 who is a representative of a state university or of the public
30 shall serve a term of 3 years. The chair of the board of
31 directors shall be selected by a majority vote of the

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1 directors. Each director shall have only one vote.

2 2. The initial board of directors shall consist of the
3 President of the University of South Florida and the chair of
4 the State Board of Education, or their designees; the five
5 university representatives, of whom one shall be appointed by
6 the Governor, two by the President of the Senate, and two by
7 the Speaker of the House of Representatives; and nine public
8 representatives, of whom three shall be appointed by the
9 Governor, three by the President of the Senate, and three by
10 the Speaker of the House of Representatives. Upon the
11 expiration of the terms of the initial appointed directors,
12 all directors subject to 3-year terms of office under this
13 paragraph shall be elected by a majority vote of the directors
14 and the board may be expanded to include additional public
15 representative directors up to the maximum number allowed.
16 Any vacancy in office shall be filled for the remainder of the
17 term by majority vote of the directors. Any director may be
18 reelected.

19 (3) The State Board of Education shall provide in the
20 agreement with the not-for-profit corporation for the
21 following:

22 (a) Approval by the State Board of Education of the
23 articles of incorporation of the not-for-profit corporation.

24 (b) Approval by the State Board of Education of the
25 articles of incorporation of any not-for-profit corporate
26 subsidiary created by the not-for-profit corporation.

27 (c) Utilization of hospital facilities and personnel
28 by the not-for-profit corporation and its subsidiaries for
29 mutually approved teaching and research programs conducted by
30 the University of South Florida or other accredited medical
31 schools or research institutes.

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1 (d) Preparation of an annual postaudit of the
2 not-for-profit corporation's financial accounts and the
3 financial accounts of any subsidiaries to be conducted by an
4 independent certified public accountant. The annual audit
5 report shall include management letters and shall be submitted
6 to the Auditor General and the State Board of Education for
7 review. The State Board of Education, the Auditor General,
8 and the Office of Program Policy Analysis and Government
9 Accountability shall have the authority to require and receive
10 from the not-for-profit corporation and any subsidiaries or
11 from their independent auditor any detail or supplemental data
12 relative to the operation of the not-for-profit corporation or
13 subsidiary.

14 (e) Provision by the not-for-profit corporation and
15 its subsidiaries of equal employment opportunities to all
16 persons regardless of race, color, religion, gender, age, or
17 national origin.

18 (4) The State Board of Education is authorized to
19 secure comprehensive general liability protection, including
20 professional liability protection, for the not-for-profit
21 corporation and its subsidiaries, pursuant to s. 1004.24.

22 (5) In the event that the agreement between the
23 not-for-profit corporation and the State Board of Education is
24 terminated for any reason, the State Board of Education shall
25 assume governance and operation of the facilities.

26 (6) The institute shall be administered by a chief
27 executive officer who shall be appointed by and serve at the
28 pleasure of the board of directors of the not-for-profit
29 corporation and who shall have the following powers and
30 duties, subject to the approval of the board of directors:

31 (a) The chief executive officer shall establish

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1 programs that fulfill the mission of the institute in
2 research, education, treatment, prevention, and early
3 detection of Alzheimer's disease; however, the chief executive
4 officer may not establish academic programs for which academic
5 credit is awarded and which terminate in the conferring of a
6 degree without prior approval of the State Board of Education.

7 (b) The chief executive officer shall have control
8 over the budget and the moneys appropriated or donated to the
9 institute from private, local, state, and federal sources, as
10 well as technical and professional income generated or derived
11 from practice activities of the institute. However,
12 professional income generated by university faculty from
13 practice activities at the institute shall be shared between
14 the institute and the university as determined by the chief
15 executive officer and the appropriate university dean or vice
16 president.

17 (c) The chief executive officer shall appoint members
18 to carry out the research, patient care, and educational
19 activities of the institute and determine compensation,
20 benefits, and terms of service. Members of the institute
21 shall be eligible to hold concurrent appointments at
22 affiliated academic institutions. University faculty shall be
23 eligible to hold concurrent appointments at the institute.

24 (d) The chief executive officer shall have control
25 over the use and assignment of space and equipment within the
26 facilities.

27 (e) The chief executive officer shall have the power
28 to create the administrative structure necessary to carry out
29 the mission of the institute.

30 (f) The chief executive officer shall have a reporting
31 relationship to the Commissioner of Education.

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1 (g) The chief executive officer shall provide a copy
2 of the institute's annual report to the Governor and Cabinet,
3 the President of the Senate, the Speaker of the House of
4 Representatives, and the chair of the State Board of
5 Education.

6 (7) The board of directors of the not-for-profit
7 corporation shall create a council of scientific advisers to
8 the chief executive officer comprised of leading researchers,
9 physicians, and scientists. The council shall review programs
10 and recommend research priorities and initiatives to maximize
11 the state's investment in the institute. The members of the
12 council shall be appointed by the board of directors of the
13 not-for-profit corporation, except for five members who shall
14 be appointed by the State Board of Education. Each member of
15 the council shall be appointed to serve a 2-year term and may
16 be reappointed to the council.

17 (8) In carrying out the provisions of this section,
18 the not-for-profit corporation and its subsidiaries are not
19 agencies within the meaning of s. 20.03(11).

20 Section 192. Section 1004.45, Florida Statutes, is
21 created to read:

22 1004.45 Ringling Center for Cultural Arts.--

23 (1) The Florida State University Ringling Center for
24 Cultural Arts is created. The center consists of the following
25 properties located in Sarasota County:

26 (a) The John and Mable Ringling Museum of Art composed
27 of:

- 28 1. The art museum.
- 29 2. The Ca' d'Zan (the Ringling residence).
- 30 3. The Ringling Museum of the Circus.

31 (b) The Florida State University Center for the Fine

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1 and Performing Arts, including the Asolo Theater and the
2 Florida State University Center for the Performing Arts, both
3 of which shall provide for academic programs in theatre,
4 dance, art, art history, and museum management.

5
6 The center shall be operated by the Florida State University,
7 which shall be charged with encouraging participation by K-12
8 schools and by other postsecondary educational institutions,
9 public and private, in the educational and cultural enrichment
10 programs of the center.

11 (2)(a) The John and Mable Ringling Museum of Art is
12 designated as the official Art Museum of the State of Florida.
13 The purpose and function of the museum is to maintain and
14 preserve all objects of art and artifacts donated to the state
15 through the will of John Ringling; to acquire and preserve
16 objects of art or artifacts of historical or cultural
17 significance; to exhibit such objects to the public; to
18 undertake scholarly research and publication, including that
19 relating to the collection; to provide educational programs
20 for students at K-12 schools and those in college and graduate
21 school and enrichment programs for children and adults; to
22 assist other museums in the state and nation through education
23 programs and through loaning objects from the collection when
24 such loans do not threaten the safety and security of the
25 objects; to enhance knowledge and appreciation of the
26 collection; and to engage in other activities related to
27 visual arts which benefit the public. The museum shall also
28 engage in programs on the national and international level to
29 enhance further the cultural resources of the state.

30 (b) The Florida State University shall approve a John
31 and Mable Ringling Museum of Art direct-support organization.

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1 Such direct-support organization shall consist of no more than
2 31 members appointed by the president of the university from a
3 list of nominees provided by the Ringling direct-support
4 organization. No fewer than one-third of the members must be
5 residents of Sarasota and Manatee Counties, and the remaining
6 members may reside elsewhere. The current members of the Board
7 of Trustees of the John and Mable Ringling Museum of Art may
8 be members of the direct-support organization. They shall
9 develop a charter and bylaws to govern their operation, and
10 these shall be subject to approval by the Florida State
11 University.

12 (c) The John and Mable Ringling Museum of Art
13 direct-support organization, operating under the charter and
14 bylaws and such contracts as are approved by the university,
15 shall set policies to maintain and preserve the collections of
16 the Art Museum; the Circus Museum; the furnishings and objects
17 in the Ringling home, referred to as the Ca' d'Zan; and other
18 objects of art and artifacts in the custody of the museum.
19 Title to all such collections, art objects, and artifacts of
20 the museums and its facilities shall remain with the Florida
21 State University, which shall assign state registration
22 numbers to, and conduct annual inventories of, all such
23 properties. The direct-support organization shall develop
24 policy for the museum, subject to the provisions of the John
25 Ringling will and the overall direction of the president of
26 the university; and it is invested with power and authority to
27 nominate a museum director who is appointed by and serves at
28 the pleasure of the president of the university and shall
29 report to the provost of the university or his or her
30 designee. The museum director, with the approval of the
31 provost or his or her designee, shall appoint other employees

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1 in accordance with Florida Statutes and rules; remove the same
2 in accordance with Florida Statutes and rules; provide for the
3 proper keeping of accounts and records and budgeting of funds;
4 enter into contracts for professional programs of the museum
5 and for the support and maintenance of the museum; secure
6 public liability insurance; and do and perform every other
7 matter or thing requisite to the proper management,
8 maintenance, support, and control of the museum at the highest
9 efficiency economically possible, while taking into
10 consideration the purposes of the museum.

11 (d) Notwithstanding the provision of s. 287.057, the
12 John and Mable Ringling Museum of Art direct-support
13 organization may enter into contracts or agreements with or
14 without competitive bidding, in its discretion, for the
15 restoration of objects of art in the museum collection or for
16 the purchase of objects of art that are to be added to the
17 collection.

18 (e) Notwithstanding s. 273.055, the university may
19 sell any art object in the museum collection, which object has
20 been acquired after 1936, if the director and the
21 direct-support organization recommend such sale to the
22 president of the university and if they first determine that
23 the object is no longer appropriate for the collection. The
24 proceeds of the sale shall be deposited in the Ringling Museum
25 Art Acquisition, Restoration, and Conservation Trust Fund. The
26 university also may exchange any art object in the collection,
27 which object has been acquired after 1936, for an art object
28 or objects that the director and the museum direct-support
29 organization recommend to the university after judging these
30 to be of equivalent or greater value to the museum.

31 (f) An employee or member of the museum direct-support

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1 organization may not receive a commission, fee, or financial
2 benefit in connection with the sale or exchange of a work of
3 art and may not be a business associate of any individual,
4 firm, or organization involved in the sale or exchange.

5 (g) The university, in consultation with the
6 direct-support organization, shall establish policies and may
7 adopt rules for the sale or exchange of works of art.

8 (h) The John and Mable Ringling Museum of Art
9 direct-support organization shall provide for an annual
10 financial audit in accordance with s. 1004.28(5). Florida
11 State University is authorized to require and receive from the
12 direct-support organization, or from its independent auditor,
13 any detail or supplemental data relative to the operation of
14 such organization. Information that, if released, would
15 identify donors who desire to remain anonymous, is
16 confidential and exempt from the provisions of s. 119.07(1).
17 Information that, if released, would identify prospective
18 donors is confidential and exempt from the provisions of s.
19 119.07(1) when the direct-support organization has identified
20 the prospective donor itself and has not obtained the name of
21 the prospective donor by copying, purchasing, or borrowing
22 names from another organization or source. Identities of such
23 donors and prospective donors shall not be revealed in the
24 auditor's report.

25 (i) The direct-support organization is given authority
26 to make temporary loans of paintings and other objects of art
27 or artifacts belonging to the John and Mable Ringling Museum
28 of Art for the purpose of public exhibition in art museums,
29 other museums, or institutions of higher learning wherever
30 located, including such museums or institutions in other
31 states or countries. Temporary loans may also be made to the

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1 executive mansion in Tallahassee, chapters and affiliates of
2 the John and Mable Ringling Museum of Art, and, for education
3 purposes, to schools, public libraries, or other institutions
4 in the state, if such exhibition will benefit the general
5 public as the university deems wise and for the best interest
6 of the John and Mable Ringling Museum of Art and under
7 policies established by Florida State University for the
8 protection of the paintings and other objects of art and
9 artifacts. In making temporary loans, the direct-support
10 organization shall give first preference to art museums, other
11 museums, and institutions of higher learning.

12 (j) Notwithstanding any other provision of law, the
13 John and Mable Ringling Museum of Art direct-support
14 organization is eligible to match state funds in the Major
15 Gifts Trust Fund established pursuant to s. 1011.94 as
16 follows:

17 1. For the first \$1,353,750, matching shall be on the
18 basis of 75 cents in state matching for each dollar of private
19 funds.

20 2. For additional funds, matching shall be provided on
21 the same basis as is authorized in s. 1011.94.

22 Section 193. Section 1004.46, Florida Statutes, is
23 created to read:

24 1004.46 Multidisciplinary Center for Affordable
25 Housing.--

26 (1) The Multidisciplinary Center for Affordable
27 Housing is established within the School of Building
28 Construction of the College of Architecture of the University
29 of Florida with the collaboration of other related disciplines
30 such as agriculture, business administration, engineering,
31 law, and medicine. The center shall work in conjunction with

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1 other state universities. The Multidisciplinary Center for
2 Affordable Housing shall:
3 (a) Conduct research relating to the problems and
4 solutions associated with the availability of affordable
5 housing in the state for families who are below the median
6 income level and widely disseminate the results of such
7 research to appropriate public and private audiences in the
8 state. Such research shall emphasize methods to improve the
9 planning, design, and production of affordable housing,
10 including, but not limited to, the financial, maintenance,
11 management, and regulatory aspects of residential development.
12 (b) Provide public services to local, regional, and
13 state agencies, units of government, and authorities by
14 helping them create regulatory climates that are amenable to
15 the introduction of affordable housing within their
16 jurisdictions.
17 (c) Conduct special research relating to firesafety.
18 (d) Provide a focus for the teaching of new technology
19 and skills relating to affordable housing in the state.
20 (e) Develop a base of informational and financial
21 support from the private sector for the activities of the
22 center.
23 (f) Develop prototypes for both multifamily and
24 single-family units.
25 (g) Establish a research agenda and general work plan
26 in cooperation with the Department of Community Affairs which
27 is the state agency responsible for research and planning for
28 affordable housing and for training and technical assistance
29 for providers of affordable housing.
30 (h) Submit a report to the Governor, the President of
31 the Senate, and the Speaker of the House of Representatives by

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1 January 1 of each year. The annual report shall include
2 information relating to the activities of the center,
3 including collaborative efforts with public and private
4 entities, affordable housing models, and any other findings
5 and recommendations related to the production of safe, decent,
6 and affordable housing.

7 (2) The Director of the Multidisciplinary Center for
8 Affordable Housing shall be appointed by the Dean of the
9 College of Architecture of the University of Florida.

10 Section 194. Section 1004.47, Florida Statutes, is
11 created to read:

12 1004.47 Research activities relating to solid and
13 hazardous waste management.--Research, training, and service
14 activities related to solid and hazardous waste management
15 conducted by state universities shall be coordinated by the
16 State Board of Education. Proposals for research contracts and
17 grants; public service assignments; and responses to requests
18 for information and technical assistance by state and local
19 government, business, and industry shall be addressed by a
20 formal Type I Center process involving an advisory board of
21 university personnel appointed by the Commissioner of
22 Education and chaired and directed by an individual appointed
23 by the Commissioner of Education. The State Board of Education
24 shall consult with the Department of Environmental Protection
25 in developing the research programs and provide the department
26 with a copy of the proposed research program for review and
27 comment before the research is undertaken. Research contracts
28 shall be awarded to independent nonprofit colleges and
29 universities within the state which are accredited by the
30 Southern Association of Colleges and Schools on the same basis
31 as those research contracts awarded to the state universities.

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1 Research activities shall include, but are not limited to, the
2 following areas:

3 (1) Methods and processes for recycling solid and
4 hazardous waste.

5 (2) Methods of treatment for detoxifying hazardous
6 waste.

7 (3) Technologies for disposing of solid and hazardous
8 waste.

9 Section 195. Section 1004.48, Florida Statutes, is
10 created to read:

11 1004.48 Research protocols to determine most
12 appropriate pollutant dispersal agents.--The Center for Solid
13 and Hazardous Waste Management shall coordinate the research
14 protocols for projects to determine the most appropriate
15 dispersal agents that can be used in an environmentally safe
16 manner in Florida waters as part of a pollutant cleanup
17 activity. Such research shall be used by the Department of
18 Environmental Protection in approving the use of such agents
19 by pollutant spill cleanup contractors and others who may be
20 required to use such agents in containing and cleaning up
21 pollutant spills in the waters of the state.

22 Section 196. Section 1004.49, Florida Statutes, is
23 created to read:

24 1004.49 Florida LAKEWATCH Program.--The Florida
25 LAKEWATCH Program is hereby created within the Department of
26 Fisheries and Aquaculture of the Institute of Food and
27 Agricultural Sciences at the University of Florida. The
28 purpose of the program is to provide public education and
29 training with respect to the water quality of Florida's lakes.
30 The Department of Fisheries and Aquaculture may, in
31 implementing the LAKEWATCH program:

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1 (1) Train, supervise, and coordinate volunteers to
2 collect water quality data from Florida's lakes.

3 (2) Compile the data collected by volunteers.

4 (3) Disseminate information to the public about the
5 LAKEWATCH program.

6 (4) Provide or loan equipment to volunteers in the
7 program.

8 (5) Perform other functions as may be necessary or
9 beneficial in coordinating the LAKEWATCH program.

10

11 Data collected and compiled shall be used to establish trends
12 and provide general background information and shall in no
13 instance be used in a regulatory proceeding.

14 Section 197. Section 1004.50, Florida Statutes, is
15 created to read:

16 1004.50 Institute on Urban Policy and Commerce.--

17 (1) There is created the Institute on Urban Policy and
18 Commerce as a Type I Institute at Florida Agricultural and
19 Mechanical University to improve the quality of life in urban
20 communities through research, teaching, and outreach
21 activities.

22 (2) The major purposes of the institute are to pursue
23 basic and applied research on urban policy issues confronting
24 the inner-city areas and neighborhoods in the state; to
25 influence the equitable allocation and stewardship of federal,
26 state, and local financial resources; to train a new
27 generation of civic leaders and university students interested
28 in approaches to community planning and design; to assist with
29 the planning, development, and capacity building of urban area
30 nonprofit organizations and government agencies; to develop
31 and maintain a database relating to inner-city areas; and to

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1 support the community development efforts of inner-city areas,
2 neighborhood-based organizations, and municipal agencies.

3 (3) The institute shall research and recommend
4 strategies concerning critical issues facing the underserved
5 population in urban communities, including, but not limited
6 to, transportation and physical infrastructure; affordable
7 housing; tourism and commerce; environmental restoration; job
8 development and retention; child care; public health; lifelong
9 learning; family intervention; public safety; and community
10 relations.

11 (4) The institute may establish regional urban centers
12 to be located in the inner cities of St. Petersburg, Tampa,
13 Jacksonville, Orlando, West Palm Beach, Fort Lauderdale,
14 Miami, Daytona Beach, and Pensacola to assist urban
15 communities on critical economic, social, and educational
16 problems affecting the underserved population.

17 (5) Before January 1 of each year, the institute shall
18 submit a report of its critical findings and recommendations
19 for the prior year to the President of the Senate, the Speaker
20 of the House of Representatives, and the appropriate
21 committees of the Legislature. The report shall be titled "The
22 State of Unmet Needs in Florida's Urban Communities" and shall
23 include, but is not limited to, a recommended list of
24 resources that could be made available for revitalizing urban
25 communities; significant accomplishments and activities of the
26 institute; and recommendations concerning the expansion,
27 improvement, or termination of the institute.

28 (6) The Governor shall submit an annual report to the
29 Legislature on the unmet needs in the state's urban
30 communities.

31 Section 198. Section 1004.51, Florida Statutes, is

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1 created to read:

2 1004.51 Community and Faith-based Organizations
3 Initiative; Community and Library Technology Access
4 Partnership.--

5 (1) CREATION.--There is created the Community and
6 Faith-based Organizations Initiative which shall be
7 administered by the Institute on Urban Policy and Commerce at
8 Florida Agricultural and Mechanical University and the
9 Community and Library Technology Access Partnership which
10 shall be administered by the Division of Library and
11 Information Services of the Department of State.

12 (2) INTENT.--The purpose of the initiative is to
13 promote community development in low-income communities
14 through partnerships with not-for-profit community and
15 faith-based organizations. The purpose of the partnership is
16 to encourage public libraries eligible for e-rate discounted
17 telecommunications services to partner with community and
18 faith-based organizations to provide technology access and
19 training to assist other state efforts to close the digital
20 divide.

21 (3) AUTHORIZED ACTIVITIES.--

22 (a) Authorized activities of the initiative.--The
23 Institute on Urban Policy and Commerce at Florida Agricultural
24 and Mechanical University may conduct the following activities
25 as part of the Community and Faith-based Organizations
26 Initiative:

27 1. Create and operate training programs to enhance the
28 professional skills of individuals in community and
29 faith-based organizations.

30 2. Create and operate a program to select and place
31 students and recent graduates from business and related

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1 professional schools as interns with community and faith-based
2 organizations for a period not to exceed 1 year, and provide
3 stipends for such interns.

4 3. Organize an annual conference for community and
5 faith-based organizations to discuss and share information on
6 best practices regarding issues relevant to the creation,
7 operation, and sustainability of these organizations.

8 4. Provide funding for the development of materials
9 for courses on topics in the area of community development,
10 and for research on economic, operational, and policy issues
11 relating to community development.

12 5. Provide financial assistance to community and
13 faith-based organizations through small grants for
14 partnerships with universities and the operation of programs
15 to build strong communities and future community development
16 leaders. The Institute on Urban Policy and Commerce at Florida
17 Agricultural and Mechanical University shall develop selection
18 criteria for awarding such grants which are based on the goals
19 of the initiative.

20
21 The institute, to the maximum extent possible, shall leverage
22 state funding for the initiative with any federal funding that
23 the institute may receive to support similar community-based
24 activities.

25 (b) Authorized activities of the partnership.--The
26 Division of Library and Information Services of the Department
27 of State may conduct the following activities as part of the
28 Community and Library Technology Access Partnership:

29 1. Provide funding for e-rate eligible public
30 libraries to provide technology access and training to
31 community and faith-based organizations. Funding provided

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1 under this subparagraph must be for eligible public libraries
2 in distressed communities in the state. The division shall
3 consult with the Institute on Urban Policy and Commerce to
4 identify such communities and to develop criteria to be used
5 in evaluating funding proposals. The division shall coordinate
6 with the institute to ensure that, to the maximum extent
7 possible, the division and the institute leverage their
8 resources under the programs authorized by this section in
9 order to focus efforts on addressing the most distressed
10 communities in the state. The division shall include a
11 representative of the institute on a review team to evaluate
12 funding proposals under this subparagraph.

13 2. Provide a method of assessment and outcome
14 measurement for e-rate eligible public libraries to assess
15 progress in closing the digital divide and in training for
16 individuals to succeed in the emerging information economy.

17 (4) ELIGIBILITY.--A community or faith-based
18 organization receiving funding or other assistance under the
19 Community and Faith-based Organizations Initiative or the
20 Community Library Technology Access Partnership must be a
21 nonprofit organization holding a current exemption from
22 federal taxation under s. 501(c)(3) or (4) of the Internal
23 Revenue Code. Funding under this section shall not be used for
24 religious or sectarian purposes.

25 Section 199. Section 1004.52, Florida Statutes, is
26 created to read:

27 1004.52 Community computer access grant program.--

28 (1) The Legislature finds that there is a growing
29 digital divide in the state, manifested in the fact that many
30 youths from distressed urban communities do not possess the
31 degree and ease of access to computers and information

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1 technologies which youths in other communities in the state
2 possess. This disparity in access to rapidly changing and
3 commercially significant technologies has a negative impact on
4 the educational, workforce development, and employment
5 competitiveness of these needy youths, and thereby impedes the
6 economic development of the distressed urban communities in
7 which these youths reside. Although many public libraries
8 offer users access to computers and are increasingly making
9 library materials available to the public through electronic
10 means, many youths from distressed urban communities do not
11 live near a library that has such technology and do not have
12 computers to access Internet-based virtual libraries.
13 Neighborhood organizations, such as churches, are more likely,
14 however, to be located in closer proximity to the homes of
15 these youths than are educational institutions or libraries,
16 and these youths are more likely to gain the desirable
17 computer access at church-related or other neighborhood
18 facilities than at other institutions. The Legislature
19 therefore finds that a public purpose is served in enhancing
20 the ability of youths from these communities to have access to
21 computers and the Internet within the neighborhoods in which
22 they reside.

23 (2) Subject to legislative appropriation, there is
24 created the Community High-Technology Investment Partnership
25 (CHIP) program to assist distressed urban communities in
26 securing computers for access by youths between the ages of 5
27 years and 18 years who reside in these communities. The
28 program shall be administered by the Institute on Urban Policy
29 and Commerce at Florida Agricultural and Mechanical University
30 pursuant to a performance-based contract with the Division of
31 Library and Information Services of the Department of State.

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1 The division shall develop performance measures, standards,
2 and sanctions for the program. Performance measures must
3 include, but are not limited to: the number of youths
4 obtaining access to computers purchased under this program;
5 the number of hours computers are made available to youths;
6 and the number of hours spent by youths on computers purchased
7 under this program for educational purposes. The
8 administrative costs for administration of this program cannot
9 exceed 10 percent of the amount appropriated to the division
10 for the program.

11 (3)(a) Under this program, neighborhood facilities,
12 through their governing bodies, may apply to the institute for
13 grants to purchase computers that will be available for use by
14 eligible youths who reside in the immediate vicinity of the
15 neighborhood facility. For purposes of this program, eligible
16 neighborhood facilities include, but are not limited to,
17 facilities operated by:

18 1. Units of local government, including school
19 districts.

20 2. Nonprofit, faith-based organizations, including
21 neighborhood churches.

22 3. Nonprofit civic associations or homeowners'
23 associations.

24 4. Nonprofit organizations, the missions of which
25 include improving conditions for residents of distressed urban
26 communities.

27
28 To be eligible for funding under this program, a nonprofit
29 organization or association must hold a current exemption from
30 federal taxation under s. 501(c)(3) or (4) of the Internal
31 Revenue Code.

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1 (b) Notwithstanding the eligibility of the
2 organizations identified in paragraph (a), the institute shall
3 give priority consideration for funding under this program to
4 applications submitted by neighborhood churches or by
5 neighborhood-based, nonprofit organizations that have as a
6 principal part of their missions the improvement of conditions
7 for residents of the same neighborhoods in which the
8 organizations are located. The institute also shall give
9 priority consideration to organizations that demonstrate that
10 they have not been awarded community enhancement or similar
11 community support grants from state or local government on a
12 regular basis in the past. The institute shall develop
13 weighted criteria to be used in evaluating applications from
14 such churches or organizations. Funding under this section
15 shall not be used for religious or sectarian purposes.

16 (4) The institute shall develop guidelines governing
17 the administration of this program and shall establish
18 criteria to be used in evaluating an application for funding.
19 At a minimum, the institute must find that:

20 (a) The neighborhood that is to be served by the grant
21 suffers from general economic distress.

22 (b) Eligible youths who reside in the vicinity of the
23 neighborhood facility have difficulty obtaining access to a
24 library or schools that have sufficient computers.

25 (c) The neighborhood facility has developed a detailed
26 plan, as required under subsection (5), for:

27 1. Providing youths who reside in the vicinity of the
28 facility with access to any computer purchased with grant
29 funds, including evening and weekend access when libraries and
30 schools are closed.

31 2. Promoting the maximum participation of neighborhood

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1 youths in use of any computers purchased with grant funds.

2 (5) As part of an application for funding, the
3 neighborhood facility must submit a plan that demonstrates:

4 (a) The manner in which eligible youths who reside in
5 the immediate vicinity of the facility will be provided with
6 access to any computer purchased with grant funds, including
7 access during hours when libraries and schools are closed.

8 (b) The existence of safeguards to ensure that any
9 computer purchased with grant funds is reserved for the
10 educational use of eligible youths who reside in the immediate
11 vicinity of the facility and is not used to support the
12 business operations of the neighborhood facility or its
13 governing body.

14 (c) The existence, in the neighborhood facility, of
15 telecommunications infrastructure necessary to guarantee
16 access to the Internet through any computer purchased with
17 grant funds.

18 (6) To the maximum extent possible, funding shall be
19 awarded under this program in a manner designed to ensure the
20 participation of distressed urban communities from regions
21 throughout the state.

22 (7) The maximum amount of a grant which may be awarded
23 to any single neighborhood facility under this program is
24 \$25,000.

25 (8) Before the institute may allocate funds for a
26 grant under this program, the institute and the eligible
27 neighborhood facility must execute a grant agreement that
28 governs the terms and conditions of the grant.

29 (9) The institute, based upon guidance from the State
30 Technology Office and the state's Chief Information Officer,
31 shall establish minimum requirements governing the

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1 specifications and capabilities of any computers purchased
2 with funds awarded under this grant program.

3 Section 200. Section 1004.53, Florida Statutes, is
4 created to read:

5 1004.53 Interdisciplinary Center for Brownfield
6 Rehabilitation Assistance.--The Center for Brownfield
7 Rehabilitation Assistance in the Environmental Sciences and
8 Policy Program is established in the College of Arts and
9 Sciences at the University of South Florida with the
10 collaboration of other related disciplines such as business
11 administration, environmental science, and medicine. The
12 center shall work in conjunction with other state
13 universities. The Center for Brownfield Rehabilitation
14 Assistance shall:

15 (1) Conduct research relating to problems and
16 solutions associated with rehabilitation and restoration of
17 brownfield areas as defined in s. 376.79. The research must
18 include identifying innovative solutions to removing
19 contamination from brownfield sites to reduce the threats to
20 drinking water supplies and other potential public health
21 threats from contaminated sites.

22 (2) Provide public service to local, regional, and
23 state agencies, units of government, and authorities by
24 helping them to create workable mechanisms, partnerships with
25 public and private sectors, and other techniques for
26 rehabilitating brownfield areas.

27 (3) Conduct special research relating to risk-based
28 corrective actions for rehabilitation of brownfield areas.

29 (4) Develop a base of informational and financial
30 support from the private sector for the activities of the
31 center.

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1 Section 201. Section 1004.54, Florida Statutes, is
2 created to read:

3 1004.54 Learning Development and Evaluation Center.--

4 (1) For the purpose of providing academic support for
5 learning disabled students, the verbal communications
6 laboratory at Florida Agricultural and Mechanical University
7 is established as the Learning Development and Evaluation
8 Center. The university shall provide housing, equipment, and
9 utilities for the center.

10 (2) The primary objective of the center shall be to
11 provide learning disabled students with accessibility to
12 learning by providing a program for building student
13 self-acceptance, self-esteem, and faculty acceptance. The
14 program shall also provide for diagnosing and clarifying the
15 nature of the disability and for identifying strategies that
16 can be used to enhance learning. Services shall include:

17 (a) Problem identification.

18 (b) Diagnostic evaluation, including neurological,
19 psychological, speech, and hearing diagnoses.

20 (c) Training, including tutoring and study.

21 (d) Academic, psychological, social, and career
22 counseling.

23 (e) Followup.

24 (f) Maintenance of academic course requirements with
25 provision for support services to identified students.

26 (g) Modifications of methods of reaching course
27 requirements which do not detract from the course purpose.

28 (3) Participants in the program shall be students with
29 specific learning disabilities who meet eligibility criteria
30 as defined by Rule 6A-6.03018.

31 (4) An outreach component shall be established which

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1 shall include:

2 (a) Notifying secondary schools, community colleges,
3 career education centers, and community agencies of the
4 program.

5 (b) Working with community colleges, technical
6 centers, and community agencies to identify students who may
7 benefit from the program.

8 (c) Providing secondary schools, community colleges,
9 technical centers, and community agencies with a description
10 of methods used by the program for identification of students
11 who have learning disabilities.

12 (d) Providing secondary schools, community colleges,
13 technical centers, and community agencies with a description
14 of program services and the support services available.

15 (e) Providing on-campus and off-campus activities for
16 students, administrators, faculty, and staff to enhance
17 learning of the disabled secondary students.

18 (f) Providing training for school district personnel
19 to enable them to develop a better understanding of the needs
20 of learning disabled students.

21 (g) Designing, developing, and implementing, in
22 cooperation with Florida Agricultural and Mechanical
23 University, public school districts, community colleges, and
24 technical centers within the Department of Education, model
25 programs for the learning disabled student.

26 (h) Providing assistance to community colleges and
27 state universities in designing, developing, and evaluating
28 model programs for learning disabled students.

29 (i) Establishing a procedure for the annual review and
30 update of model programs developed for the learning disabled.

31 (j) Providing precollegiate residential experiences.

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1 (5) On or before November 1, the president of the
2 university shall submit to the State Board of Education and
3 the Legislature a report on program effectiveness, which
4 report shall include:

5 (a) The number of students participating in the
6 program.

7 (b) An ongoing analysis of overall student performance
8 as a result of participation in the program.

9 (c) A description of the methods used in identifying
10 students with learning disabilities.

11 (d) A description of methods and materials prescribed
12 to meet the specific learning needs of each participant.

13 (e) The number and types of disabilities of students
14 in the program.

15 (f) How the program accomplished its objectives.

16 (g) Procedures used to counsel and advise students
17 that would build self-acceptance and enhance learning.

18 (h) Procedures for promoting faculty acceptance of the
19 program and its participants.

20 (i) A detailed description of each program objective
21 and the results.

22 (j) Projections of future participation by learning
23 disabled students based on enrollment, queries, and program
24 results.

25 (k) The number of postsecondary and secondary students
26 participating in the program and the type of service provided.

27 (6) Funding of this program shall be provided for in
28 the General Appropriations Act.

29 Section 202. Section 1004.55, Florida Statutes, is
30 created to read:

31 1004.55 Regional autism centers.--

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1 (1) Six regional autism centers are established to
2 provide nonresidential resource and training services for
3 persons of all ages and of all levels of intellectual
4 functioning who have autism, as defined in s. 393.063; who
5 have a pervasive developmental disorder that is not otherwise
6 specified; who have an autistic-like disability; who have a
7 dual sensory impairment; or who have a sensory impairment with
8 other handicapping conditions. Each center shall be
9 operationally and fiscally independent and shall provide
10 services within its geographical region of the state. Each
11 center shall coordinate services within and between state and
12 local agencies and school districts but may not duplicate
13 services provided by those agencies or school districts. The
14 respective locations and service areas of the centers are:

15 (a) The Department of Communication Disorders at
16 Florida State University, which serves Bay, Calhoun, Escambia,
17 Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon,
18 Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
19 Walton, and Washington Counties.

20 (b) The College of Medicine at the University of
21 Florida, which serves Alachua, Bradford, Citrus, Columbia,
22 Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion,
23 Putnam, Suwannee, and Union Counties.

24 (c) The University of Florida Health Science Center at
25 Jacksonville, which serves Baker, Clay, Duval, Flagler,
26 Nassau, and St. Johns Counties.

27 (d) The Louis de la Parte Florida Mental Health
28 Institute at the University of South Florida, which serves
29 Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands,
30 Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee,
31 Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

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1 (e) The Mailman Center for Child Development at the
2 University of Miami, which serves Broward, Dade, Monroe, and
3 Palm Beach Counties.

4 (f) The College of Health and Public Affairs at the
5 University of Central Florida, which serves Brevard, Lake,
6 Orange, Osceola, Seminole, Sumter, and Volusia Counties.

7 (2) There is established for each center a
8 constituency board, which shall work collaboratively with the
9 center. Each board shall consist of no fewer than six
10 members, each of whom is either an individual who has a
11 disability that is described in subsection (1) or is a member
12 of a family that includes a person who has such a disability,
13 who are selected by each university president from a list that
14 has been developed by the Autism Society of Florida and other
15 relevant constituency groups that represent persons who have
16 sensory impairments as described in subsection (1). As
17 representatives of the center's constituencies, these boards
18 shall meet quarterly with the staff of each of the centers to
19 provide advice on policies, priorities, and activities. Each
20 board shall submit to the university president and to the
21 Department of Education an annual report that evaluates the
22 activities and accomplishments of its center during the year.

23 (3) To promote statewide planning and coordination, a
24 conference must be held annually for staff from each of the
25 five centers and representatives from each center's
26 constituency board. The purpose of the conference is to
27 facilitate coordination, networking, cross-training, and
28 feedback among the staffs and constituency boards of the
29 centers.

30 (4) Each center shall provide:

31 (a) A staff that has expertise in autism and

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1 autistic-like behaviors and in sensory impairments.

2 (b) Individual and direct family assistance in the
3 home, community, and school. A center's assistance should not
4 supplant other responsibilities of state and local agencies,
5 and each school district is responsible for providing an
6 appropriate education program for clients of a center who are
7 school age.

8 (c) Technical assistance and consultation services,
9 including specific intervention and assistance for a client of
10 the center, the client's family, and the school district, and
11 any other services that are appropriate.

12 (d) Professional training programs that include
13 developing, providing, and evaluating preservice and inservice
14 training in state-of-the-art practices for personnel who work
15 with the populations served by the centers and their families.

16 (e) Public education programs to increase awareness of
17 the public about autism, autistic-related disabilities of
18 communication and behavior, dual sensory impairments, and
19 sensory impairments with other handicapping conditions.

20 (5) The State Board of Education, in cooperation with
21 the regional autism centers, shall adopt the necessary rules
22 to carry out the purposes of this section.

23 Section 203. Section 1004.56, Florida Statutes, is
24 created to read:

25 1004.56 Florida Museum of Natural History;
26 functions.--

27 (1) The functions of the Florida Museum of Natural
28 History, located at the University of Florida, are to make
29 scientific investigations toward the sustained development of
30 natural resources and a greater appreciation of human cultural
31 heritage, including, but not limited to, biological surveys,

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1 ecological studies, environmental impact assessments, in-depth
2 archaeological research, and ethnological analyses, and to
3 collect and maintain a depository of biological,
4 archaeological, and ethnographic specimens and materials in
5 sufficient numbers and quantities to provide within the state
6 and region a base for research on the variety, evolution, and
7 conservation of wild species; the composition, distribution,
8 importance, and functioning of natural ecosystems; and the
9 distribution of prehistoric and historic archaeological sites
10 and an understanding of the aboriginal and early European
11 cultures that occupied them. State institutions, departments,
12 and agencies may deposit type collections from archaeological
13 sites in the museum, and it shall be the duty of each state
14 institution, department, and agency to cooperate by depositing
15 in the museum voucher and type biological specimens collected
16 as part of the normal research and monitoring duties of its
17 staff and to transfer to the museum those biological specimens
18 and collections in its possession but not actively being
19 curated or used in the research or teaching of that
20 institution, department, or agency. The Florida Museum of
21 Natural History is empowered to accept, preserve, maintain, or
22 dispose of these specimens and materials in a manner which
23 makes each collection and its accompanying data available for
24 research and use by the staff of the museum and by cooperating
25 institutions, departments, agencies, and qualified independent
26 researchers. The biological, archaeological, and ethnographic
27 collections shall belong to the state with the title vested in
28 the Florida Museum of Natural History, except as provided in
29 s. 267.12(3). In collecting or otherwise acquiring these
30 collections, the museum shall comply with pertinent state
31 wildlife, archaeological, and agricultural laws and rules.

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1 However, all collecting, quarantine, and accreditation permits
2 issued by other institutions, departments, and agencies shall
3 be granted routinely for said museum research study or
4 collecting effort on state lands or within state jurisdiction
5 which does not pose a significant threat to the survival of
6 endangered wild species, habitats, or ecosystems. In
7 addition, the museum shall develop exhibitions and conduct
8 programs which illustrate, interpret, and explain the natural
9 history of the state and region and shall maintain a library
10 of publications pertaining to the work as herein provided.
11 The exhibitions, collections, and library of the museum shall
12 be open, free to the public, under suitable rules to be
13 promulgated by the director of the museum and approved by the
14 University of Florida.

15 (2) Any gifts, transfers, bequests, or other
16 conveyances made to the Florida State Museum are deemed to
17 have been made to the Florida Museum of Natural History.

18 Section 204. Section 1004.57, Florida Statutes, is
19 created to read:

20 1004.57 Vertebrate paleontological sites and remains;
21 legislative intent and state policy.--

22 (1) It is the declared intention of the Legislature
23 that vertebrate paleontological sites be protected and
24 preserved and that, pursuant thereto, vertebrate
25 paleontological field investigation activities, including, but
26 not limited to, collection, excavation, salvage, restoration,
27 and cataloging of fossils, be discouraged except when such
28 activities are carried on in accordance with both the
29 provisions and the spirit of this act. However, it is not the
30 intention of the Legislature that the provisions of this act
31 impede mining or quarrying for rock, gravel, fill, phosphate,

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1 and other minerals, or the construction of canals or similar
2 excavations, when such activities are permitted by law.
3 Rather, it is the intent of the Legislature that mine and
4 heavy equipment operators be encouraged to cooperate with the
5 state in preserving its vertebrate paleontological heritage
6 and vertebrate fossils by notifying the Florida Museum of
7 Natural History whenever vertebrate fossils are discovered
8 during mining or digging operations and by allowing such
9 fossils to be properly salvaged and that persons having
10 knowledge of vertebrate paleontological sites be encouraged to
11 communicate such information to the museum.

12 (2) It is hereby declared to be the public policy of
13 this state to protect and preserve vertebrate paleontological
14 sites containing vertebrate fossils, including bones, teeth,
15 natural casts, molds, impressions, and other remains of
16 prehistoric fauna, and to provide for the collection,
17 acquisition, and study of the vertebrate fossils of the state
18 which offer documentation of the diversity of life on this
19 planet.

20 (3) It is further declared to be the public policy of
21 the state that all vertebrate fossils found on state-owned
22 lands, including submerged lands and uplands, belong to the
23 state with title to the fossils vested in the Florida Museum
24 of Natural History for the purpose of administration of this
25 section and ss. 1004.575-1004.577.

26 Section 205. Section 1004.575, Florida Statutes, is
27 created to read:

28 1004.575 Program of vertebrate paleontology within
29 Florida Museum of Natural History.--There is established
30 within the Florida Museum of Natural History a program of
31 vertebrate paleontology, which program has the following

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1 responsibilities:

2 (1) Encouraging the study of the vertebrate fossils
3 and vertebrate paleontological heritage of the state and
4 providing exhibits and other educational materials on the
5 vertebrate fauna to the universities and schools of the state.

6 (2) Developing a statewide plan, to be submitted to
7 the director of the Florida Museum of Natural History, for
8 preserving the vertebrate paleontological resources of the
9 state in a manner which is consistent with the state policies
10 in s. 1004.57 and which will not unduly hamper development in
11 this state, including mining and excavating operations.

12 (3) Locating, surveying, acquiring, collecting,
13 salvaging, conserving, and restoring vertebrate fossils;
14 conducting research on the history and systematics of the
15 fossil fauna of the state; and maintaining the official state
16 depository of vertebrate fossils.

17 (4) Locating, surveying, acquiring, excavating, and
18 operating vertebrate paleontological sites and properties
19 containing vertebrate fossils, which sites and properties have
20 great significance to the scientific study of such vertebrate
21 fossils or to public representation of the faunal heritage of
22 the state.

23 (5) Enlisting the aid of professional vertebrate
24 paleontologists, mine and quarry operators, heavy digging
25 equipment operators, and qualified amateurs in carrying out
26 the provisions of subsections (1)-(4), and authorizing their
27 active support and cooperation by issuing permits to them as
28 provided in s. 1004.576.

29 (6) Cooperating and coordinating activities with the
30 Department of Environmental Protection under the provisions of
31 ss. 375.021 and 375.031 and the Department of State under

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1 chapter 267 in the acquisition, preservation, and operation of
2 significant vertebrate paleontological sites and properties of
3 great and continuing scientific value, so that such sites and
4 properties may be utilized to conserve the faunal heritage of
5 this state and to promote an appreciation of that heritage.

6 (7) Designating areas as "state vertebrate
7 paleontological sites" pursuant to the provisions of this
8 section, which areas are of great and continuing significance
9 to the scientific study and public understanding of the faunal
10 history of the state. However, no privately owned site or
11 grouping of sites shall be so designated without the express
12 written consent of the private owner of the site or group of
13 sites. Upon designation of a state vertebrate paleontological
14 site, the owners and occupants of such site shall be given
15 written notification of such designation by the program. Once
16 such site has been so designated, no person may conduct
17 paleontological field investigation activities on the site
18 without first securing a permit for such activities as
19 provided in s. 1004.576.

20 (8) Arranging for the disposition of the vertebrate
21 fossils by accredited institutions and for the temporary or
22 permanent loan of such fossils for the purpose of further
23 scientific study, interpretative display, and curatorial
24 responsibilities by such institutions.

25 Section 206. Section 1004.576, Florida Statutes, is
26 created to read:

27 1004.576 Destruction, purchase, and sale of vertebrate
28 fossils prohibited, exceptions; field investigation permits
29 required; penalty for violation.--

30 (1) The destruction, defacement, purchase, and sale of
31 vertebrate fossils found on or under land owned or leased by

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1 the state and on land in state-designated vertebrate
2 paleontological sites are prohibited, except that the Florida
3 Museum of Natural History may sell vertebrate fossils and may
4 adopt rules defining "nonessential vertebrate fossils" and
5 prescribing the conditions under which such fossils may be
6 sold or otherwise disposed of by a person holding a permit
7 issued by the Florida Museum of Natural History. Field
8 investigations of vertebrate fossils, including, but not
9 limited to, the systematic collection, acquisition,
10 excavation, salvage, exhumation, or restoration of such
11 fossils, are prohibited on all lands owned or leased by the
12 state and on lands in state-designated vertebrate
13 paleontological sites, unless such activities are conducted
14 under the authority of permits issued by the Florida Museum of
15 Natural History. A permit may be granted by the Florida
16 Museum of Natural History upon application for the permit
17 accompanied by an application fee not to exceed \$5. The
18 privileges authorized pursuant to the grant of a permit as
19 provided in this subsection may not be assigned or sublet to
20 any other party.

21 (2) Any person who, in violation of this section,
22 engages in any of the activities described in subsection (1)
23 without first having obtained a permit to engage in such
24 activity commits a misdemeanor, punishable by a fine not to
25 exceed \$500 or by imprisonment in the county jail for a period
26 not to exceed 6 months, or both; and, in addition, he or she
27 shall forfeit to the state all specimens, objects, and
28 materials collected and excavated in violation of this
29 section, together with all photographs and records relating to
30 such materials.

31 (3) The Florida Museum of Natural History may

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1 institute a civil action in the appropriate circuit court for
2 recovery of any unlawfully taken vertebrate fossil. The
3 fossil shall be forfeited to the state if the Florida Museum
4 of Natural History shows by the greater weight of the evidence
5 that the fossil has been taken from a particular site within
6 this state and that the person found in possession of the
7 fossil is not authorized by law to possess such fossil.

8 Section 207. Section 1004.577, Florida Statutes, is
9 created to read:

10 1004.577 Certain rights of mine or quarry operators
11 and dragline or heavy equipment operators preserved.--Nothing
12 in ss. 1004.57-1004.576 shall infringe upon the right of a
13 legitimate mine or quarry operator to extract rock, gravel,
14 fill, phosphate, or other minerals or infringe upon the right
15 of a legitimate operator of draglines or similar heavy
16 dredging, trenching, or digging equipment to construct
17 drainage canals or other excavations because of the actual or
18 potential destruction of vertebrate fossils.

19 Section 208. Section 1004.58, Florida Statutes, is
20 created to read:

21 1004.58 Leadership Board for Applied Research and
22 Public Service.--

23 (1) There is created the Leadership Board for Applied
24 Research and Public Service to be staffed by the Institute of
25 Science and Public Affairs at Florida State University. The
26 purpose of the board is to focus, coordinate, and maximize
27 university resources on current issues and events affecting
28 Florida's residents and elected officials. Emphasis shall be
29 placed on being responsive to and providing accurate, timely,
30 useful, and relevant information to decisionmakers in state
31 and local governments. The board shall set forth a process to

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1 provide comprehensive guidance and advice for improving the
2 types and quality of services to be delivered by the state
3 universities. Specifically, the board shall better identify
4 and define the missions and roles of existing institutes and
5 centers at each state university, work to eliminate
6 duplication and confusion over conflicting roles and missions,
7 involve more students in learning with applied research and
8 public service activities, and be organizationally separate
9 from academic departments. The board shall meet at least
10 quarterly. The board may create internal management councils
11 that may include working institute and center directors. The
12 board is responsible for, but is not limited to:

13 (a) Providing strategic direction, planning, and
14 accompanying decisions that support a coordinated applied
15 public service and research approach in the state.

16 (b) Addressing state university policy matters and
17 making recommendations to the State Board of Education as they
18 relate to applied public service and research.

19 (c) Serving as a clearinghouse for services requested
20 by public officials.

21 (d) Providing support for funding and fiscal
22 initiatives involving applied public service and research.

23 (2) Membership of the board shall be:

24 (a) The Commissioner of Education, or the
25 commissioner's designee, who shall serve as chair.

26 (b) The director of the Office of Planning and
27 Budgeting of the Executive Office of the Governor.

28 (c) The secretary of the Department of Management
29 Services.

30 (d) The director of Economic and Demographic Research.

31 (e) The director of the Office of Program Policy

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1 Analysis and Government Accountability.

2 (f) The President of the Florida League of Cities.

3 (g) The President for the Florida Association of
4 Counties.

5 (h) The President of the Florida School Board
6 Association.

7 (i) Five additional university president members,
8 designated by the commissioner, to rotate annually.

9 (3) The board shall prepare a report for the State
10 Board of Education to be submitted to the Governor and the
11 Legislature by January 1 of each year which summarizes the
12 work and recommendations of the board in meeting its purpose
13 and mission.

14 Section 209. Section 1004.59, Florida Statutes, is
15 created to read:

16 1004.59 Florida Conflict Resolution Consortium.--It is
17 the intent of the Legislature to reduce the public and private
18 costs of litigation; resolve public disputes, including those
19 related to growth management issues, more quickly and
20 effectively; and improve intergovernmental communications,
21 cooperation, and consensus building. The Legislature hereby
22 formally establishes the Florida Conflict Resolution
23 Consortium as a statewide center based at Florida State
24 University, or at another campus as may be designated by the
25 Commissioner of Education. The purpose of the consortium is
26 to serve as a neutral resource to assist citizens and public
27 and private interests in Florida to seek cost-effective
28 solutions to public disputes and problems through the use of
29 alternative dispute resolution and consensus building.

30 Section 210. Section 1004.60, Florida Statutes, is
31 created to read:

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1 1004.60 Research of Rosewood incident.--State
2 universities shall continue the research of the Rosewood
3 incident and the history of race relations in Florida and
4 develop materials for the educational instruction of these
5 events.

6 Section 211. Section 1004.61, Florida Statutes, is
7 created to read:

8 1004.61 Partnerships to develop child protection
9 workers.--The Department of Children and Family Services is
10 directed to form partnerships with the schools of social work
11 of the state universities in order to encourage the
12 development of graduates trained to work in child protection.
13 The department shall give hiring preferences for child
14 protection jobs to graduates who have earned bachelor's and
15 master's degrees from these programs with a concentration in
16 child protection. The partnership between the Department of
17 Children and Family Services and the schools of social work
18 shall include, but not be limited to, modifying existing
19 graduate and undergraduate social work curricula, providing
20 field placements for students into child protection
21 internships in the department, and collaborating in the design
22 and delivery of advanced levels of social work practice.

23 Section 212. Section 1004.62, Florida Statutes, is
24 created to read:

25 1004.62 Incentives for urban or socially and
26 economically disadvantaged area internships.--The Legislature
27 establishes incentives for urban or socially and economically
28 disadvantaged area internships to give university students the
29 opportunity to study the social, economic, educational, and
30 political life of inner cities in metropolitan or socially and
31 economically disadvantaged areas of the state. The incentives

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1 are for internships that are open to students in all
2 disciplines, including business, education, physical science,
3 social science, the liberal arts, and the fine arts.
4 Incentives may be given to any state university. Incentives
5 must be for one semester's duration, or more, in which an
6 intern may earn up to 12 hours of credit for the internship.
7 Student interns must work in teams to address a specific urban
8 or socially and economically disadvantaged area social problem
9 or carry out an urban or socially and economically
10 disadvantaged area social program. The results of each team's
11 work must be published in a report and distributed to the
12 colleges of education at each state university.

13 Section 213. Part III of chapter 1004, Florida
14 Statutes, shall be entitled "Community Colleges" and shall
15 consist of ss. 1004.65-1004.81.

16 Section 214. Part III.a. of chapter 1004, Florida
17 Statutes, shall be entitled "General Provisions" and shall
18 consist of ss. 1004.65-1004.726.

19 Section 215. Section 1004.65, Florida Statutes, is
20 created to read:

21 1004.65 Community colleges; definition, mission, and
22 responsibilities.--

23 (1) Community colleges shall consist of all public
24 educational institutions operated by community college
25 district boards of trustees under statutory authority and
26 rules of the State Board of Education.

27 (2) Each community college district authorized by law
28 and the Department of Education is an independent, separate,
29 legal entity created for the operation of a community college.

30 (3) A community college may provide adult education
31 services, including adult basic education, adult general

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1 education, adult secondary education, and general educational
2 development test instruction.

3 (4) The community colleges are locally based and
4 governed entities with statutory and funding ties to state
5 government. As such, the community colleges' mission reflects
6 a commitment to be responsive to local educational needs and
7 challenges. In achieving this mission, the community colleges
8 strive to maintain sufficient local authority and flexibility
9 while preserving appropriate legal accountability to the
10 state.

11 (5) As comprehensive institutions, the community
12 colleges shall provide high-quality, affordable education and
13 training opportunities, shall foster a climate of excellence,
14 and shall provide opportunities to all while combining high
15 standards with an open-door admission policy. The community
16 colleges shall, as open-access institutions, serve all who can
17 benefit, without regard to age, race, gender, creed, or ethnic
18 or economic background, while emphasizing the achievement of
19 social and educational equity so that all can be prepared for
20 full participation in society.

21 (6) The primary mission and responsibility of
22 community colleges is responding to community needs for
23 postsecondary academic education and technical degree
24 education. This mission and responsibility includes being
25 responsible for:

26 (a) Providing lower level undergraduate instruction
27 and awarding associate degrees.

28 (b) Preparing students directly for vocations
29 requiring less than baccalaureate degrees. This may include
30 preparing for job entry, supplementing of skills and
31 knowledge, and responding to needs in new areas of technology.

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1 Career and technical education in the community college shall
2 consist of technical certificates, credit courses leading to
3 associate in science degrees and associate in applied science
4 degrees, and other programs in fields requiring substantial
5 academic work, background, or qualifications. A community
6 college may offer career and technical education programs in
7 fields having lesser academic or technical requirements.

8 (c) Providing student development services, including
9 assessment, student tracking, support for disabled students,
10 advisement, counseling, financial aid, career development, and
11 remedial and tutorial services, to ensure student success.

12 (d) Promoting economic development for the state
13 within each community college district through the provision
14 of special programs, including, but not limited to, the:

15 1. Enterprise Florida-related programs.

16 2. Technology transfer centers.

17 3. Economic development centers.

18 4. Workforce literacy programs.

19 (e) Providing dual enrollment instruction.

20 (7) A separate and secondary role for community
21 colleges includes:

22 (a) Providing upper level instruction and awarding
23 baccalaureate degrees as specifically authorized by law.

24 (b) The offering of programs in:

25 1. Community services that are not directly related to
26 academic or occupational advancement.

27 2. Adult general education.

28 3. Recreational and leisure services.

29 (8) Funding for community colleges shall reflect their
30 mission as follows:

31 (a) Postsecondary academic and career and technical

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1 education programs and adult general education programs shall
2 have first priority in community college funding.

3 (b) Community service programs shall be presented to
4 the Legislature with rationale for state funding. The
5 Legislature may identify priority areas for use of these
6 funds.

7 (9) Community colleges are authorized to offer such
8 programs and courses as are necessary to fulfill their mission
9 and are authorized to grant associate in arts degrees,
10 associate in science degrees, associate in applied science
11 degrees, certificates, awards, and diplomas. Each community
12 college is also authorized to make provisions for the general
13 educational development test. Each community college may
14 provide access to baccalaureate degrees in accordance with
15 law.

16 Section 216. Section 1004.66, Florida Statutes, is
17 created to read:

18 1004.66 "Community college" and "junior college" used
19 interchangeably.--Whenever the terms "community college" and
20 "junior college" appear in the Florida Statutes in reference
21 to a tax-supported institution, they shall be construed
22 identically.

23 Section 217. Section 1004.67, Florida Statutes, is
24 created to read:

25 1004.67 Community colleges; legislative intent.--It is
26 the legislative intent that community colleges, constituted as
27 political subdivisions of the state, continue to be operated
28 by community college boards of trustees as provided in s.
29 1001.63 and that no department, bureau, division, agency, or
30 subdivision of the state exercise any responsibility and
31 authority to operate any community college of the state except

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1 as specifically provided by law or rules of the State Board of
2 Education.

3 Section 218. Section 1004.68, Florida Statutes, is
4 created to read:

5 1004.68 Community college; degrees and certificates;
6 tests for certain skills.--

7 (1) Each community college board of trustees shall
8 adopt rules establishing student performance standards for the
9 award of degrees and certificates.

10 (2) Each community college board of trustees shall
11 require the use of scores on tests for college-level
12 communication and computation skills provided in s.
13 1008.345(8) as a condition for graduation with an associate in
14 arts degree.

15 Section 219. Section 1004.70, Florida Statutes, is
16 created to read:

17 1004.70 Community college direct-support
18 organizations.--

19 (1) DEFINITIONS.--For the purposes of this section:

20 (a) "Community college direct-support organization"
21 means an organization that is:

22 1. A Florida corporation not for profit, incorporated
23 under the provisions of chapter 617 and approved by the
24 Department of State.

25 2. Organized and operated exclusively to receive,
26 hold, invest, and administer property and to make expenditures
27 to, or for the benefit of, a community college in this state.

28 3. An organization that the community college board of
29 trustees, after review, has certified to be operating in a
30 manner consistent with the goals of the community college and
31 in the best interest of the state. Any organization that is

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1 denied certification by the board of trustees may not use the
2 name of the community college that it serves.

3 (b) "Personal services" includes full-time or
4 part-time personnel as well as payroll processing.

5 (2) BOARD OF DIRECTORS.--The chair of the board of
6 trustees shall appoint a representative to the board of
7 directors and the executive committee of each direct-support
8 organization established under this section, including those
9 established before July 1, 1998. The president of the
10 community college for which the direct-support organization is
11 established, or the president's designee, shall also serve on
12 the board of directors and the executive committee of the
13 direct-support organization, including any direct-support
14 organization established before July 1, 1998.

15 (3) USE OF PROPERTY.--

16 (a) The board of trustees is authorized to permit the
17 use of property, facilities, and personal services at any
18 community college by any community college direct-support
19 organization, subject to the provisions of this section.

20 (b) The board of trustees is authorized to prescribe
21 by rule any condition with which a community college
22 direct-support organization must comply in order to use
23 property, facilities, or personal services at any community
24 college.

25 (c) The board of trustees may not permit the use of
26 property, facilities, or personal services at any community
27 college by any community college direct-support organization
28 that does not provide equal employment opportunities to all
29 persons regardless of race, color, national origin, gender,
30 age, or religion.

31 (4) ACTIVITIES; RESTRICTIONS.--

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1 (a) A direct-support organization may, at the request
2 of the board of trustees, provide residency opportunities on
3 or near campus for students.

4 (b) A direct-support organization that constructs
5 facilities for use by a community college or its students must
6 comply with all requirements of law relating to the
7 construction of facilities by a community college, including
8 requirements for competitive bidding.

9 (c) Any transaction or agreement between one
10 direct-support organization and another direct-support
11 organization or between a direct-support organization and a
12 center of technology innovation designated under s. 1004.77
13 must be approved by the board of trustees.

14 (d) A community college direct-support organization is
15 prohibited from giving, either directly or indirectly, any
16 gift to a political committee or committee of continuous
17 existence as defined in s. 106.011 for any purpose other than
18 those certified by a majority roll call vote of the governing
19 board of the direct-support organization at a regularly
20 scheduled meeting as being directly related to the educational
21 mission of the community college.

22 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
23 organization shall submit to the board of trustees its federal
24 Internal Revenue Service Application for Recognition of
25 Exemption form (Form 1023) and its federal Internal Revenue
26 Service Return of Organization Exempt from Income Tax form
27 (Form 990).

28 (6) ANNUAL AUDIT.--Each direct-support organization
29 shall provide for an annual financial audit in accordance with
30 rules adopted by the Auditor General pursuant to s. 11.45(8).
31 The annual audit report must be submitted, within 9 months

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1 after the end of the fiscal year, to the Auditor General, the
2 State Board of Education, and the board of trustees for
3 review. The board of trustees, the Auditor General, and the
4 Office of Program Policy Analysis and Government
5 Accountability may require and receive from the organization
6 or from its independent auditor any detail or supplemental
7 data relative to the operation of the organization. The
8 identity of donors who desire to remain anonymous shall be
9 protected, and that anonymity shall be maintained in the
10 auditor's report. All records of the organization, other than
11 the auditor's report, any information necessary for the
12 auditor's report, any information related to the expenditure
13 of funds, and any supplemental data requested by the board of
14 trustees, the Auditor General, and the Office of Program
15 Policy Analysis and Government Accountability, shall be
16 confidential and exempt from the provisions of s. 119.07(1).

17 Section 220. Section 1004.71, Florida Statutes, is
18 created to read:

19 1004.71 Statewide community college direct-support
20 organizations.--

21 (1) DEFINITIONS.--For the purposes of this section:

22 (a) "Statewide community college direct-support
23 organization" means an organization that is:

24 1. A Florida corporation not for profit, incorporated
25 under the provisions of chapter 617 and approved by the
26 Department of State.

27 2. Organized and operated exclusively to receive,
28 hold, invest, and administer property and to make expenditures
29 to, or for the benefit of, the community colleges in this
30 state.

31 3. An organization that the State Board of Education,

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1 after review, has certified to be operating in a manner
2 consistent with the goals of the community colleges and in the
3 best interest of the state.

4 (b) "Personal services" includes full-time or
5 part-time personnel as well as payroll processing.

6 (2) BOARD OF DIRECTORS.--The chair of the State Board
7 of Education may appoint a representative to the board of
8 directors and the executive committee of any statewide,
9 direct-support organization established under this section or
10 s. 1004.70. The chair of the State Board of Education, or the
11 chair's designee, shall also serve on the board of directors
12 and the executive committee of any direct-support organization
13 established to benefit the community colleges of Florida.

14 (3) USE OF PROPERTY.--

15 (a) The State Board of Education may permit the use of
16 property, facilities, and personal services of the Department
17 of Education by any statewide community college direct-support
18 organization, subject to the provisions of this section.

19 (b) The State Board of Education may prescribe by rule
20 any condition with which a statewide community college
21 direct-support organization must comply in order to use
22 property, facilities, or personal services of the Department
23 of Education.

24 (c) The State Board of Education may not permit the
25 use of property, facilities, or personal services of the
26 Department of Education by any statewide community college
27 direct-support organization that does not provide equal
28 employment opportunities to all persons regardless of race,
29 color, national origin, gender, age, or religion.

30 (4) RESTRICTIONS.--

31 (a) A statewide, direct-support organization may not

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1 use public funds to acquire, construct, maintain, or operate
2 any facilities.

3 (b) Any transaction or agreement between a statewide,
4 direct-support organization and any other direct-support
5 organization or between a statewide, direct-support
6 organization and a center of technology innovation designated
7 under s. 1004.77 must be approved by the State Board of
8 Education.

9 (c) A statewide community college direct-support
10 organization is prohibited from giving, either directly or
11 indirectly, any gift to a political committee or committee of
12 continuous existence as defined in s. 106.011 for any purpose
13 other than those certified by a majority roll call vote of the
14 governing board of the direct-support organization at a
15 regularly scheduled meeting as being directly related to the
16 educational mission of the State Board of Education.

17 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
18 organization shall submit to the State Board of Education its
19 federal Internal Revenue Service Application for Recognition
20 of Exemption form (Form 1023) and its federal Internal Revenue
21 Service Return of Organization Exempt from Income Tax form
22 (Form 990).

23 (6) ANNUAL AUDIT.--A statewide community college
24 direct-support organization shall provide for an annual
25 financial audit in accordance with s. 1004.70. The identity of
26 a donor or prospective donor who desires to remain anonymous
27 and all information identifying such donor or prospective
28 donor are confidential and exempt from the provisions of s.
29 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
30 anonymity shall be maintained in the auditor's report.

31 Section 221. Section 1004.725, Florida Statutes, is

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1 created to read:

2 1004.725 Expenditures for self-insurance services;
3 special account.--

4 (1) The community college boards of trustees, singly
5 or collectively, are authorized to contract with an
6 administrator or service company approved by the Department of
7 Insurance pursuant to chapter 626 to provide self-insurance
8 services, including, but not limited to, the evaluation,
9 settlement, and payment of self-insurance claims on behalf of
10 the board of trustees or a consortium of boards of trustees.

11 (2) Pursuant to such a contract, a board of trustees
12 may advance moneys to the administrator or service company to
13 be deposited in a special account for paying claims against
14 the board of trustees under its self-insurance program. The
15 special account shall be maintained in a designated depository
16 as provided by s. 136.01. The board of trustees may replenish
17 such account as often as necessary upon the presentation by
18 the administrator or service company of documentation for
19 claims paid in an amount equal to the amount of the requested
20 reimbursement. Any contract for disbursement of funds from the
21 special account shall ensure that the payments are subject to
22 proper disbursement controls and accounting procedures.

23 Section 222. Section 1004.726, Florida Statutes, is
24 created to read:

25 1004.726 Trademarks, copyrights, or patents.--Each
26 community college board of trustees may develop and produce
27 work products relating to educational endeavors that are
28 subject to trademark, copyright, or patent statutes. To this
29 end, the board of trustees shall consider the relative
30 contribution by the personnel employed in the development of
31 such work products and shall enter into binding agreements

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1 with such personnel, organizations, corporations, or
2 government entities, which agreements shall establish the
3 percentage of ownership of such trademarks, copyrights, or
4 patents. Any other law to the contrary notwithstanding, the
5 board of trustees may in its own name:

6 (1) Perform all things necessary to secure letters of
7 patent, copyrights, and trademarks on any such work products
8 and enforce its rights therein.

9 (2) License, lease, assign, or otherwise give written
10 consent to any person, firm, or corporation for the
11 manufacture or use of its work products on a royalty basis or
12 for such other consideration as the board of trustees deems
13 proper.

14 (3) Take any action necessary, including legal action,
15 to protect its work products against improper or unlawful use
16 of infringement.

17 (4) Enforce the collection of any sums due the board
18 of trustees for the manufacture or use of its work products by
19 any other party.

20 (5) Sell any of its work products and execute all
21 instruments necessary to consummate any such sale.

22 (6) Do all other acts necessary and proper for the
23 execution of powers and duties provided by this section.

24 Section 223. Part III.b. of chapter 1004, Florida
25 Statutes, shall be entitled "Special Programs; Centers" and
26 shall consist of ss. 1004.73-1004.81.

27 Section 224. Section 1004.73, Florida Statutes, is
28 created to read:

29 1004.73 St. Petersburg College.--

30 (1) LEGISLATIVE INTENT.--The Legislature intends to
31 create an innovative means to increase access to baccalaureate

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1 degree level education in populous counties that are
2 underserved by public baccalaureate degree granting
3 institutions. This education is intended to address the
4 state's workforce needs, especially the need for teachers,
5 nurses, and business managers in agencies and firms that
6 require expertise in technology.

7 (2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.--St.
8 Petersburg College shall immediately seek accreditation from
9 the Southern Association of Colleges and Schools as a
10 baccalaureate degree granting college.

11 (a) The primary mission of St. Petersburg College is
12 to provide high-quality undergraduate education at an
13 affordable price for students and the state. The purpose is to
14 promote economic development by preparing people for
15 occupations that require a bachelor's degree and are in demand
16 by existing or emerging public and private employers in this
17 state.

18 (b) St. Petersburg College shall maintain the mission
19 and policies of a Florida community college, including the
20 open-door admissions policy and the authority to offer all
21 programs consistent with a community college's authority.

22 (c) St. Petersburg College shall maintain the
23 distinction between the college and its university center. St.
24 Petersburg College is limited to community college programs
25 and to selected baccalaureate degree level programs that meet
26 community needs and are authorized as provided by this
27 section. The University Center may make available more diverse
28 program offerings, but those programs are offered by a
29 participating college or university and are not to be
30 classified or funded as programs of St. Petersburg College.

31 (d) The academic policies of the upper-division

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1 program at St. Petersburg College must be in accordance with
2 policies of the State Board of Education.

3 (e) Sections 1013.39 and 1013.82 apply to St.
4 Petersburg College.

5 (3) STUDENTS; FEES.--

6 (a) St. Petersburg College shall maintain separate
7 records for students who are enrolled in courses classified in
8 the upper division and lower division of a baccalaureate
9 program, according to the statewide course numbering system. A
10 student shall be reported as a community college student for
11 enrollment in a lower-division course and as a baccalaureate
12 degree program student for enrollment in an upper-division
13 course.

14 (b) The Board of Trustees of St. Petersburg College
15 shall establish the level of tuition and other authorized
16 student fees consistent with law and proviso in the General
17 Appropriations Act.

18 1. For each credit hour of enrollment in a certificate
19 level course or lower-division level college credit course,
20 tuition and fees must be within the range authorized in law
21 and rule for a community college student at that level.

22 2. For each credit hour of enrollment in an
23 upper-division level course, matriculation and tuition fees
24 must be in an amount established by the Board of Trustees of
25 St. Petersburg College. However, fees for upper-division
26 students must reflect the fact that the college does not incur
27 the costs of major research programs. Therefore, the board of
28 trustees shall establish fees for upper-division students
29 within a range that is lower than the fees established for
30 students at a state university but higher than the fees for
31 community college students.

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1 3. Other mandatory fees and local fees must be at the
2 same level for all lower-division students. For upper-division
3 students, other mandatory fees and local fees must be at a
4 level less than fees established for University of South
5 Florida students, regardless of program enrollment or level.
6 However, students in workforce development education courses
7 maintain the authorized fee exemptions described in s. 1009.25
8 and may be exempt from local fees imposed by the board of
9 trustees, at the board's discretion.

10 (4) DEGREES.--

11 (a) In addition to the certificates, diplomas, and
12 degrees authorized in s. 1004.65, St. Petersburg College may
13 offer selected baccalaureate degrees. Initially, the college
14 may offer programs that lead to a baccalaureate degree in the
15 following fields:

16 1. Bachelor of Science in Nursing. This program must
17 be designed to articulate with the associate in science degree
18 in nursing. St. Petersburg College shall continue to offer the
19 associate in science degree in nursing.

20 2. Bachelor of Arts and Bachelor of Science in
21 Elementary Education.

22 3. Bachelor of Arts and Bachelor of Science in Special
23 Education.

24 4. Bachelor of Arts and Bachelor of Science in
25 Secondary Education.

26 5. Bachelor of Applied Science in fields selected by
27 the Board of Trustees of St. Petersburg College. The board of
28 trustees shall base the selection on an analysis of workforce
29 needs and opportunities in the following counties: Pinellas,
30 Pasco, Hernando, and other counties approved by the Department
31 of Education. For each program selected, St. Petersburg

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1 College must offer a related associate in science or associate
2 in applied science degree program, and the baccalaureate
3 degree level program must be designed to articulate fully with
4 at least one associate in science degree program. The college
5 is encouraged to develop articulation agreements for
6 enrollment of graduates of related associate in applied
7 science degree programs.

8 (b) St. Petersburg College may offer courses that
9 enable teachers to qualify for certification and
10 recertification as required by law or rule.

11 (c) St. Petersburg College may offer programs to
12 provide opportunities for a person who holds a baccalaureate
13 degree, but is not certified to teach, to obtain any
14 additional courses required for teacher certification.

15 (d) Master's degree level programs and doctoral
16 programs may be provided by agreement with a college or
17 university participating in the University Center of St.
18 Petersburg College.

19 (e) For those students living outside Pinellas County,
20 St. Petersburg College shall recruit for the upper division
21 only those students who have earned an associate degree. In
22 recruiting upper-division students in Pasco and Hernando
23 Counties, St. Petersburg College shall work cooperatively with
24 Pasco-Hernando Community College and shall seek to offer
25 courses and programs at Pasco-Hernando Community College when
26 feasible. The nursing programs, in particular, must be
27 conducted cooperatively, and programs at St. Petersburg
28 College shall not conflict with Pasco-Hernando Community
29 College's and the University of South Florida's cooperative
30 nursing program.

31 (5) BOARDS.--

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1 (a) The Board of Trustees of St. Petersburg College
2 serves as the college's governing board. The Governor shall
3 appoint members as provided in s. 1001.61, and the board has
4 the duties and authorities granted in ss. 1001.63 and 1001.64
5 and by rules of the State Board of Education.

6 (b) The Board of Trustees of St. Petersburg College
7 may authorize direct-support organizations as authorized in
8 ss. 1004.28 and 1004.70.

9 (c) The Board of Trustees of St. Petersburg College
10 may continue to award degrees, diplomas, and certificates as
11 authorized for St. Petersburg Junior College, and in the name
12 of St. Petersburg Junior College, until St. Petersburg College
13 receives its accreditation.

14 (d) A coordinating board shall assist the board of
15 trustees in its deliberations concerning issues that affect
16 the upper division of St. Petersburg College. The coordinating
17 board consists of the President of the University of South
18 Florida, the President of St. Petersburg College, the
19 President of Pasco-Hernando Community College, and the chairs
20 of the boards of trustees of those institutions.

21 (e) Beginning 4 years after the college receives
22 accreditation to offer baccalaureate degrees, the Board of
23 Trustees of St. Petersburg College may determine additional
24 programs to be offered, with the approval of the coordinating
25 board. The determination must consider community needs and
26 economic opportunities.

27 (f) The coordinating board shall meet at the request
28 of the President of the University of South Florida or the
29 President of St. Petersburg College.

30 (g) If the coordinating board cannot decide an issue
31 of importance to the programs designed for upper-division

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1 students, the State Board of Education shall resolve the
2 issue.

3 (6) EMPLOYEES.--

4 (a) Employment at St. Petersburg College is governed
5 by the same laws that govern community colleges, except that
6 upper-division faculty are eligible for continuing contracts
7 upon the completion of the fifth year of teaching.

8 (b) Employee records for all personnel shall be
9 maintained as required by s. 1012.81.

10 (7) FACILITIES.--St. Petersburg College may request
11 funding from the Public Education Capital Outlay and Debt
12 Service Trust Fund as a community college and as a university.
13 The municipalities in Pinellas County, the Board of County
14 Commissioners of Pinellas County, and all other governmental
15 entities are authorized to cooperate with the Board of
16 Trustees of St. Petersburg College in establishing this
17 institution. The acquisition and donation of lands, buildings,
18 and equipment for the use of St. Petersburg College are
19 authorized as a public purpose. The Board of County
20 Commissioners of Pinellas County and all municipalities in
21 Pinellas County may exercise the power of eminent domain to
22 acquire lands, buildings, and equipment for the use of St.
23 Petersburg College, regardless of whether such lands,
24 buildings, and equipment are located in a community
25 redevelopment area.

26 (8) STATE FUNDING.--

27 (a) The Legislature intends to fund St. Petersburg
28 College as a community college for its workforce development
29 education programs and for its lower-division level college
30 credit courses and programs.

31 (b) The Legislature intends to fund St. Petersburg

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1 College as a baccalaureate degree level institution for its
2 upper-division level courses and programs.

3 Section 225. Section 1004.74, Florida Statutes, is
4 created to read:

5 1004.74 Florida School of the Arts.--

6 (1) As the state strives to achieve excellence in all
7 aspects of public education, it is the intent of the
8 Legislature that specific attention be given to the needs of
9 artistically talented high school and college students. It is
10 further intended that such students who are occupationally
11 oriented to the arts be provided with the means for achieving
12 both an academic education and artistic training appropriate
13 to their gifts.

14 (2) There is created the Florida School of the Arts.
15 The school shall offer a program of academic and artistic
16 studies in the visual and performing arts, which program shall
17 be available to talented high school and college students in
18 the state.

19 (3) The Florida School of the Arts is assigned to the
20 District Board of Trustees of the St. Johns River Community
21 College for purposes of administration and governance; but the
22 Florida School of the Arts, within appropriations and
23 limitations established annually by the Legislature, shall
24 serve as a professional school on a statewide basis for all
25 qualified students.

26 (4) The Council for the Florida School of the Arts
27 shall be established to advise the community college district
28 board of trustees on matters pertaining to the operation of
29 the school. The council shall consist of nine members,
30 appointed by the Commissioner of Education for 4-year terms. A
31 member may serve three terms and may serve until replaced.

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1 Section 226. Section 1004.75, Florida Statutes, is
2 created to read:

3 1004.75 Training school consolidation pilot
4 projects.--

5 (1) ESTABLISHMENT.--To consolidate and more
6 efficiently use state and taxpayer resources by combining
7 training programs, pilot training centers are established to
8 provide public criminal justice training in Leon and St. Johns
9 Counties. The following pilot training centers are
10 established:

11 (a) The Pat Thomas Center at Tallahassee Community
12 College.

13 (b) The Criminal Justice Academy at St. Johns River
14 Community College.

15 (2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING
16 PROGRAMS.--Notwithstanding ss. 1001.31, 1001.33, and 1007.25,
17 or any other provision of law to the contrary, criminal
18 justice training programs in the pilot counties will transfer
19 to community colleges, effective July 1, 1999, at which time
20 responsibility for the provision of basic recruit, advanced,
21 career development, and continuing training courses and
22 programs offered in public criminal justice training programs
23 and for the operation of existing public criminal justice
24 training programs will be shifted from the school district to
25 the community college in whose service area the public
26 criminal justice training program is located. Certification of
27 the program granted by the Criminal Justice Standards and
28 Training Commission will be transferred to the respective
29 community college and the college must continue to meet the
30 requirements of the commission.

31 (3) FACILITIES.--

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1 (a) 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 state
4 and paid for with only state funds shall be transferred to the
5 community college, except that, if such an educational
6 facility or educational plant or part of such facility or
7 plant is used for other purposes in addition to public
8 criminal justice training, the Criminal Justice Standards and
9 Training Commission shall mediate the transfer or a suitable
10 multiuse arrangement.

11 (b) Criminal justice training program educational
12 facilities, educational plants, and related equipment as
13 defined in s. 1013.01(6) and (7) which are owned by the school
14 district and paid for in whole or in part with local tax funds
15 shall be leased to the community college. However, if such an
16 educational facility or educational plant, or part of such
17 facility or plant, is used for other purposes in addition to
18 public criminal justice training, the Criminal Justice
19 Standards and Training Commission shall mediate a suitable
20 lease agreement. If a school district and a community college
21 cannot agree on the terms and conditions of the lease
22 agreement, the Criminal Justice Standards and Training
23 Commission shall finalize the agreement and report its
24 decision to the Legislature. The Department of Education,
25 Office of Educational Facilities, shall conduct an analysis,
26 by December 31, 1999, to determine the amount of local tax
27 contribution used in the construction of a
28 school-district-owned criminal justice training program,
29 educational facility, or educational plant affected by the
30 transfer. This analysis shall be used to establish a purchase
31 price for the facility or plant. The community college board

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1 of trustees may make a legislative budget request through the
2 State Board of Education to purchase the facility or plant, or
3 it may continue to lease the facility or plant.

4 (4) PROGRAM REQUIREMENTS.--Each pilot training center
5 will be regional in nature, as defined by the Criminal Justice
6 Standards and Training Commission. Each community college with
7 responsibility for a public criminal justice training program
8 must:

9 (a) Establish a pilot training center advisory
10 committee made up of professionals from the field of each
11 training program included in the pilot project.

12 (b) Provide certificate and noncredit options for
13 students and training components of the pilot training center
14 that so require.

15 (c) Develop an articulation agreement with state
16 universities to facilitate the transfer of graduates of a
17 community college degree training program to the upper
18 division of a state university with a corresponding program.

19 (5) STAFFING.--The community college board of trustees
20 may provide for school district public criminal justice
21 training staff employed in full-time budgeted positions to be
22 transferred into the community college personnel system at the
23 same rate of salary. Retirement and leave provisions will be
24 transferred according to law.

25 (6) FUNDING.--The Department of Education shall shift
26 funds generated by students in the pilot training centers
27 established by this section, including workforce development
28 recurring and nonrecurring funds, from the appropriate school
29 district to the respective community college. The community
30 college shall qualify for future facilities funding upon
31 transfer of the facility.

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1 (a) Consistent with s. 1011.62(7), school districts
2 that transfer programs will receive an amount equal to 15
3 percent of the funding generated for the program under the
4 FEFP in 1996-1997.

5 (b) Reflecting the lower program costs in community
6 colleges, notwithstanding the funding generated in paragraph
7 (a), community colleges will receive 90 percent of the funding
8 generated for the program under the FEFP in 1996-1997. The
9 school district will retain the remaining 10 percent.

10 (c) Notwithstanding ss. 1011.80(5)(a) and
11 1009.22(3)(a), or any other provision of law to the contrary,
12 fees for continuing workforce education for public law
13 enforcement officers at these pilot centers shall not exceed
14 25 percent of the cost of the course, and state funding shall
15 not under any circumstances exceed 50 percent of the cost of
16 the course.

17 Section 227. Section 1004.76, Florida Statutes, is
18 created to read:

19 1004.76 Florida Martin Luther King, Jr., Institute for
20 Nonviolence.--

21 (1) As used in this section:

22 (a) "Board" means the advisory board of the institute.

23 (b) "Institute" means the Florida Martin Luther King,
24 Jr., Institute for Nonviolence.

25 (2) There is hereby created the Florida Martin Luther
26 King, Jr., Institute for Nonviolence to be established at
27 Miami-Dade Community College. The institute shall have an
28 advisory board consisting of 13 members as follows: the
29 Attorney General, the Commissioner of Education, and 11
30 members to be appointed by the Governor, such members to
31 represent the population of the state based on its ethnic,

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1 gender, and socioeconomic diversity. Of the members appointed
2 by the Governor, one shall be a member of the Senate appointed
3 by the Governor on the recommendation of the President of the
4 Senate; one shall be a member of the Senate appointed by the
5 Governor on the recommendation of the minority leader; one
6 shall be a member of the House of Representatives appointed by
7 the Governor on the recommendation of the Speaker of the House
8 of Representatives; one shall be a member of the House of
9 Representatives appointed by the Governor on the
10 recommendation of the minority leader; and seven shall be
11 members appointed by the Governor, no more than three of whom
12 shall be members of the same political party. The following
13 groups shall be represented by the seven members: the Florida
14 Sheriffs Association; the Florida Association of Counties; the
15 Florida League of Cities; state universities human services
16 agencies; community relations or human relations councils; and
17 youth. A chairperson shall be elected by the members and
18 shall serve for a term of 3 years. Members of the board shall
19 serve the following terms of office which shall be staggered:
20 (a) A member of the Legislature appointed to the board
21 shall serve for a single term not to exceed 5 years and shall
22 serve as a member only while he or she is a member of the
23 Legislature.
24 (b) Of the seven members who are not members of the
25 Legislature, three shall serve for terms of 4 years, two shall
26 serve for terms of 3 years, and one shall serve for a term of
27 1 year. Thereafter, each member, except for a member
28 appointed to fill an unexpired term, shall serve for a 5-year
29 term. No member shall serve on the board for more than 10
30 years.
31

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1 In the event of a vacancy occurring in the office of a member
2 of the board by death, resignation, or otherwise, the Governor
3 shall appoint a successor to serve for the balance of the
4 unexpired term.

5 (3)(a) The board shall provide for the holding of
6 regular and special meetings. A majority of the members shall
7 constitute a quorum for the transaction of any business, and
8 the acts of a majority of the members present at a meeting at
9 which a quorum is present shall be deemed to be the acts of
10 the board.

11 (b) An executive director shall be appointed by the
12 board and shall be the chief administrative and operational
13 officer of the board. The executive director shall direct and
14 supervise administrative affairs and the general management of
15 the board. The executive director may contract with or employ
16 legal and technical experts and such other employees,
17 permanent and temporary, as shall be authorized by the board.

18 (c) Members of the board shall serve without
19 compensation, but shall be reimbursed for per diem and travel
20 expenses in accordance with s. 112.061.

21 (4) The institute shall have the following powers and
22 duties:

23 (a) To conduct training, provide symposia, and develop
24 continuing education and programs to promote skills in
25 nonviolent conflict resolution for persons in government,
26 private enterprise, community groups, and voluntary
27 associations.

28 (b) To enter into formal and informal relationships
29 with other public or private institutions for purposes of
30 fulfilling the goals of the institute and to ensure geographic
31 dispersion of services to all regions of the state.

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1 (c) To establish a clearinghouse to provide materials,
2 including publications, handbooks, training manuals, and
3 audiovisual materials, on the programs, studies, research,
4 training, and educational opportunities of the institute.

5 (d) To adopt, amend, and alter bylaws not inconsistent
6 with the laws of the state.

7 (e) To charge and collect subscription and other
8 participation costs and fees for its services, including
9 publications and courses of study.

10 (f) To receive and accept from any federal, state, or
11 local agency grants, or advances for, or in aid of, the
12 purposes of this act and to receive and accept contributions
13 from any source of either money, property, labor, or other
14 things of value, to be held, used, and applied for said
15 purposes.

16 (g) To do any and all lawful acts and things necessary
17 or desirable to carry out the objectives and purposes of this
18 act.

19 (5) The institute may establish fellowships through
20 the awarding of financial assistance to individuals and
21 organizations to enable them to pursue scholarly inquiry and
22 study other appropriate forms of strategies for peace and
23 nonviolent conflict resolution.

24 Section 228. Section 1004.77, Florida Statutes, is
25 created to read:

26 1004.77 Centers of technology innovation.--

27 (1) The State Board of Education may designate centers
28 of technology innovation at single community colleges,
29 consortia of community colleges, or consortia of community
30 colleges with other educational institutions. The state board
31 shall adopt rules necessary to implement the provisions of

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1 this section. The state board shall cooperate with the
2 Workforce Florida, Inc., in the designation of the centers as
3 it relates to the centers of applied technology.

4 (2) Centers shall be designated when a community
5 college or consortia provides evidence that it has developed
6 expertise in one or more specialized technologies. To be
7 designated, the community college or consortia must provide
8 benefits to the state, which may include, but are not limited
9 to:

10 (a) Curriculum development.

11 (b) Faculty development.

12 (c) Research, testing, and technology transfer.

13 (d) Instructional equipment and materials
14 identification and development.

15 (e) Partnerships with industries dependent upon
16 staying current in the related technologies and in the
17 development of workforce capabilities.

18 (f) Partnerships with industries needing to convert
19 their existing technology base to other technologies in order
20 to continue conducting business in Florida, including
21 converting defense-related technologies to other technologies.

22 (3) Centers may provide services to their service area
23 and receive funding through:

24 (a) Serving as a technology transfer center, as
25 created in s. 1004.78.

26 (b) Serving as an incubator facility for small
27 business concerns, as created in s. 1004.79.

28 (c) Serving as an economic development center, as
29 created in s. 1004.80.

30 (4) Centers may provide instruction, as follows:

31 (a) To students enrolled in the community college,

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1 especially for purposes of providing training for technicians
2 in areas that support the employers involved in the technology
3 specialization.

4 (b) To students enrolled at the undergraduate and
5 graduate level in a university, college, or community college
6 which is a member of the designated consortia. Such enrollment
7 shall be funded by the enrolling institution.

8 (c) To employees in the service area needing training
9 and retraining in the technology of specialization, which may
10 include, but is not limited to, the retraining necessary to
11 convert defense-related technologies to other technologies.

12 (d) To secondary school students and teachers where
13 such instruction will stimulate interest in further education.

14 (5) The State Board of Education shall give priority
15 in the designation of centers to those community colleges that
16 specialize in technology in environmental areas and in areas
17 related to target industries of Enterprise Florida. Priority
18 in designation shall also be given to community colleges that
19 develop new and improved manufacturing techniques and related
20 business practices.

21 (6) Centers, including the facilities of the center,
22 may be made available to the public agencies of the state, the
23 counties and cities of the service area, and the employers of
24 the state and service area. Centers may also be used for
25 applied research in the area of specialization.

26 (7) Each center shall have a board of directors with
27 at least five members who shall be appointed by the district
28 board of trustees. The board of directors is responsible for
29 overseeing the operation of the center, approval of the annual
30 budget, and setting policy to guide the director in the
31 operation of the center. The board of directors shall consist

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1 of at least the following:

2 (a) The director of the center.

3 (b) The vice president of academic affairs, or the
4 equivalent, of the community college.

5 (c) The vice president of business affairs, or the
6 equivalent, of the community college.

7 (d) Two members designated by the president of the
8 community college.

9 (8) Each center shall establish a schedule of fees or
10 rates to be charged to all who use the facilities of the
11 center. In addition, each center may negotiate user contracts
12 with governmental users, industrial users, researchers, public
13 or private educational institutions, or individuals for use of
14 the facilities. It is the intent of the Legislature that the
15 centers of technology innovation established pursuant to this
16 act shall not seek any additional state funding. Centers may
17 solicit and accept grants and donations, including, but not
18 limited to, federal and state grants to assist companies in
19 converting defense-related technologies to other technologies.

20 (9) The State Board of Education may award grants to
21 designated centers for the purposes of this section. Grants
22 awarded shall be in accordance with rules established by the
23 State Board of Education, which rules shall require an annual
24 report.

25 Section 229. Section 1004.78, Florida Statutes, is
26 created to read:

27 1004.78 Technology transfer centers at community
28 colleges.--

29 (1) Each community college may establish a technology
30 transfer center for the purpose of providing institutional
31 support to local business and industry and governmental

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1 agencies in the application of new research in technology.
2 The primary responsibilities of such centers may include:
3 identifying technology research developed by universities,
4 research institutions, businesses, industries, the United
5 States Armed Forces, and other state or federal governmental
6 agencies; determining and demonstrating the application of
7 technologies; training workers to integrate advanced equipment
8 and production processes; and determining for business and
9 industry the feasibility and efficiency of accommodating
10 advanced technologies.

11 (2) The community college board of trustees shall set
12 such policies to regulate the activities of the technology
13 transfer center as it may consider necessary to effectuate the
14 purposes of this section and to administer the programs of the
15 center in a manner which assures efficiency and effectiveness,
16 producing the maximum benefit for the educational programs and
17 maximum service to the state. To this end, materials that
18 relate to methods of manufacture or production, potential
19 trade secrets, potentially patentable material, actual trade
20 secrets, business transactions, or proprietary information
21 received, generated, ascertained, or discovered during the
22 course of activities conducted within the community colleges
23 shall be confidential and exempt from the provisions of s.
24 119.07(1), except that a community college shall make
25 available upon request the title and description of a project,
26 the name of the investigator, and the amount and source of
27 funding provided for such project.

28 (3) A technology transfer center created under the
29 provisions of this section shall be under the supervision of
30 the board of trustees of that community college, which is
31 authorized to appoint a director; to employ full-time and

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1 part-time staff, research personnel, and professional
2 services; to employ on a part-time basis personnel of the
3 community college; and to employ temporary employees whose
4 salaries are paid entirely from the permanent technology
5 transfer fund or from that fund in combination with other
6 nonstate sources, with such positions being exempt from the
7 requirements of the Florida Statutes relating to salaries,
8 except that no such appointment shall be made for a total
9 period of longer than 1 year.

10 (4) The board of trustees of the community college in
11 which a technology transfer center is created, or its
12 designee, may negotiate, enter into, and execute contracts;
13 solicit and accept grants and donations; and fix and collect
14 fees, other payments, and donations that may accrue by reason
15 thereof for technology transfer activities. The board of
16 trustees or its designee may negotiate, enter into, and
17 execute contracts on a cost-reimbursement basis and may
18 provide temporary financing of such costs prior to
19 reimbursement from moneys on deposit in the technology
20 transfer fund, except as may be prohibited elsewhere by law.

21 (5) A technology transfer center shall be financed
22 from the Academic Improvement Program or from moneys of a
23 community college which are on deposit or received for use in
24 the activities conducted in the center. Such moneys shall be
25 deposited by the community college in a permanent technology
26 transfer fund in a depository or depositories approved for the
27 deposit of state funds and shall be accounted for and
28 disbursed subject to audit by the Auditor General.

29 (6) The fund balance in any existing research trust
30 fund of a community college at the time a technology transfer
31 center is created shall be transferred to a permanent

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1 technology transfer fund established for the community
2 college, and thereafter the fund balance of the technology
3 transfer fund at the end of any fiscal period may be used
4 during any succeeding period pursuant to this section.

5 (7) Moneys deposited in the permanent technology
6 transfer fund of a community college shall be disbursed in
7 accordance with the terms of the contract, grant, or donation
8 under which they are received. Moneys received for overhead
9 or indirect costs and other moneys not required for the
10 payment of direct costs shall be applied to the cost of
11 operating the technology transfer center.

12 (8) All purchases of a technology transfer center
13 shall be made in accordance with the policies and procedures
14 of the community college.

15 (9) The community college board of trustees may
16 authorize the construction, alteration, or remodeling of
17 buildings when the funds used are derived entirely from the
18 technology transfer fund of a community college or from that
19 fund in combination with other nonstate sources, provided that
20 such construction, alteration, or remodeling is for use
21 exclusively by the center. It also may authorize the
22 acquisition of real property when the cost is entirely from
23 said funds. Title to all real property shall vest in the
24 board of trustees.

25 (10) The State Board of Education may award grants to
26 community colleges, or consortia of public and private
27 colleges and universities and other public and private
28 entities, for the purpose of supporting the objectives of this
29 section. Grants awarded pursuant to this subsection shall be
30 in accordance with rules of the State Board of Education.
31 Such rules shall include the following provisions:

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1 (a) The number of centers established with state funds
2 provided expressly for the purpose of technology transfer
3 shall be limited, but shall be geographically located to
4 maximize public access to center resources and services.

5 (b) Grants to centers funded with state revenues
6 appropriated specifically for technology transfer activities
7 shall be reviewed and approved by the State Board of Education
8 using proposal solicitation, evaluation, and selection
9 procedures established by the state board in consultation with
10 Enterprise Florida, Inc. Such procedures may include
11 designation of specific areas or applications of technology as
12 priorities for the receipt of funding.

13 (c) Priority for the receipt of state funds
14 appropriated specifically for the purpose of technology
15 transfer shall be given to grant proposals developed jointly
16 by community colleges and public and private colleges and
17 universities.

18 (11) Each technology transfer center established under
19 the provisions of this section shall establish a technology
20 transfer center advisory committee. Each committee shall
21 include representatives of a university or universities
22 conducting research in the area of specialty of the center.
23 Other members shall be determined by the community college
24 board of trustees.

25 Section 230. Section 1004.79, Florida Statutes, is
26 created to read:

27 1004.79 Incubator facilities for small business
28 concerns.--

29 (1) Each community college established pursuant to s.
30 1004.02(2) may provide incubator facilities to eligible small
31 business concerns. As used in this section, "small business

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1 concern" shall be defined as an independently owned and
2 operated business concern incorporated in Florida which is not
3 an affiliate or a subsidiary of a business dominant in its
4 field of operation, and which employs 25 or fewer full-time
5 employees. "Incubator facility" shall be defined as a facility
6 in which small business concerns share common space,
7 equipment, and support personnel and through which such
8 concerns have access to professional consultants for advice
9 related to the technical and business aspects of conducting a
10 commercial enterprise. The community college board of trustees
11 shall authorize concerns for inclusion in the incubator
12 facility.

13 (2) Each community college that provides an incubator
14 facility shall provide the following:

15 (a) Management and maintenance of the incubator
16 facility.

17 (b) Secretarial and other support personnel,
18 equipment, and utilities.

19 (c) Mechanisms to assist with the acquisition of
20 technical, management, and entrepreneurial expertise to
21 resident and other local small business concerns.

22 (3) The incubator facility and any improvements to the
23 facility shall be owned or leased by the community college.
24 The community college may charge residents of the facility all
25 or part of the cost for facilities, utilities, and support
26 personnel and equipment. No small business concern shall
27 reside in the incubator facility for more than 5 calendar
28 years. The state shall not be liable for any act or failure
29 to act of any small business concern residing in an incubator
30 facility pursuant to this section or of any such concern
31 benefiting from the incubator facilities program.

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1 (4) Community colleges are encouraged to establish
2 incubator facilities through which emerging small businesses
3 supportive of spaceport endeavors and other high-technology
4 enterprises may be served.

5 (5) Community colleges are encouraged to establish
6 incubator facilities through which emerging small businesses
7 supportive of development of content and technology for
8 digital broadband media and digital broadcasting may be
9 served.

10 Section 231. Section 1004.80, Florida Statutes, is
11 created to read:

12 1004.80 Economic development centers.--

13 (1) Community colleges may establish economic
14 development centers for the purpose of serving as liaisons
15 between community colleges and the business sector. The
16 responsibilities of each center shall include:

17 (a) Promoting the economic well-being of businesses
18 and industries.

19 (b) Coordinating, with chambers of commerce,
20 government agencies, district school boards, and other
21 organizations, efforts to provide educational programs which
22 promote economic development, including, but not limited to,
23 business incubators, industrial development and research
24 parks, industry recruitment efforts, publication of business
25 research and resource guides, and sponsorship of workshops,
26 conferences, seminars, and consultation services.

27 (2) The board of trustees of a community college in
28 which an economic development center is created, or its
29 designee, may negotiate, enter into, and execute contracts;
30 solicit and accept grants and donations; and fix and collect
31 fees, other payments, and donations that may accrue by reason

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1 of activities of the center and its staff.

2 (3) Economic development centers shall operate under
3 policies and procedures established by the community college
4 board of trustees.

5 (4) The State Board of Education may award grants to
6 economic development centers for the purposes of this section.
7 Grants awarded pursuant to this subsection shall be in
8 accordance with rules established by the State Board of
9 Education.

10 Section 232. Section 1004.81, Florida Statutes, is
11 created to read:

12 1004.81 Establishment of child development training
13 centers at community colleges.--

14 (1) The Legislature recognizes the importance of
15 preschool developmental education and the need for adult
16 students with limited economic resources to have access to
17 high-quality, affordable child care at variable hours for
18 their children. It is therefore the intent of the Legislature
19 that community colleges provide high-quality, affordable child
20 care to the children of adult students enrolled in community
21 colleges. The primary purpose of these child development
22 training centers is to provide affordable child care for
23 children of adult students, particularly those who demonstrate
24 financial need, as well as for employees and staff of the
25 institution. Further, the child development training centers
26 are intended to provide both preschool instruction to the
27 children and clinical experiences for prospective child care
28 and early childhood instructional and administrative
29 personnel. A secondary mission of the centers shall be to
30 provide instruction in parenting skills for the clients of the
31 center as well as for the community.

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1 (2) In consultation with the student government
2 association or a recognized student group representing the
3 student body, a community college board of trustees may
4 establish a child development training center in accordance
5 with this section. Each child development training center
6 shall be a child care center established to provide child care
7 during the day and at variable hours, including evenings and
8 weekends, for the children of students. Emphasis should be
9 placed on serving students who demonstrate financial need as
10 defined by the board of trustees. At least 50 percent of the
11 child care slots must be made available to students, and
12 financially needy students, as defined by the board of
13 trustees, shall receive child care slots first. The center may
14 serve the children of staff, employees, and faculty; however,
15 a designated number of child care slots shall not be allocated
16 for employees. Whenever possible, the center shall be located
17 on the campus of the community college. However, the board may
18 elect to provide child care services for students through
19 alternative mechanisms, which may include contracting with
20 private providers.

21 (3) There shall be a board of directors of each child
22 development training center, consisting of the president or
23 his or her designee, the student government president or his
24 or her designee, the chair of the department participating in
25 the center or his or her designee, and one parent for each 25
26 children enrolled in the center, elected by the parents of the
27 children enrolled in the center. There shall be a director of
28 each center, selected by the board of directors of the center.
29 The director shall be an ex officio, nonvoting member of the
30 board. The board of trustees shall establish local policies
31 and perform local oversight and operational guidance for the

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1 center.

2 (4) Each center may charge fees for the care and
3 services it provides. Each board of trustees shall establish
4 mechanisms to facilitate access to center services for
5 students with financial need, which shall include a sliding
6 fee scale and other methods adopted by the board of trustees
7 to reduce or defray payment of fees for students. The board of
8 trustees is authorized to seek and receive grants and other
9 resources to support the operation of the child development
10 center.

11 (5) In addition to revenues derived from child care
12 fees charged to parents and other external resources, each
13 child development training center may be funded by a portion
14 of funds from the student activity and service fee authorized
15 by s. 1009.23(7) and the capital improvement fee authorized by
16 s. 1009.23(11). Community colleges are authorized to transfer
17 funds as necessary from the community college's general fund
18 to support the operation of the child development training
19 center.

20 (6) This section does not preclude the continuation of
21 or in any way affect child care centers operated by community
22 colleges that were established by the district board of
23 trustees prior to July 1, 1994.

24 Section 233. Part IV of chapter 1004, Florida
25 Statutes, shall be entitled "Workforce Development Education"
26 and shall consist of ss. 1004.91-1004.98.

27 Section 234. Section 1004.91, Florida Statutes, is
28 created to read:

29 1004.91 Vocational-preparatory instruction.--

30 (1) The State Board of Education shall adopt, by rule,
31 standards of basic skill mastery for certificate technical

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1 education programs. Each school district and community college
2 that conducts programs that confer technical credit shall
3 provide vocational-preparatory instruction through which
4 students receive the basic skills instruction required
5 pursuant to this section.

6 (2) Students who enroll in a program offered for
7 technical credit of 450 hours or more shall complete an
8 entry-level examination within the first 6 weeks of admission
9 into the program. The State Board of Education shall
10 designate examinations that are currently in existence, the
11 results of which are comparable across institutions, to assess
12 student mastery of basic skills. Any student found to lack the
13 required level of basic skills for such program shall be
14 referred to vocational-preparatory instruction or adult basic
15 education for a structured program of basic skills
16 instruction. Such instruction may include English for speakers
17 of other languages. A student may not receive a technical
18 certificate of completion without first demonstrating the
19 basic skills required in the state curriculum frameworks for
20 the program.

21 (3) An adult student with a disability may be exempted
22 from the provisions of this section. A student who possesses a
23 college degree at the associate in applied science level or
24 higher is exempt from this section. A student who has
25 completed or who is exempt from the college-level
26 communication and computation skills examination pursuant to
27 s. 1008.29, or who is exempt from the college entry-level
28 examination pursuant to s. 1008.29 is exempt from the
29 provisions of this section. Students who have passed a state,
30 national or industry licensure exam are exempt from this
31 section.

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1 Section 235. Section 1004.92, Florida Statutes, is
2 created to read:

3 1004.92 Purpose and responsibilities for career and
4 technical education.--

5 (1) The purpose of career and technical education is
6 to enable students who complete career and technical programs
7 to attain and sustain employment and realize economic
8 self-sufficiency. The purpose of this section is to identify
9 issues related to career and technical education for which
10 school boards and community college boards of trustees are
11 accountable. It is the intent of the Legislature that the
12 standards articulated in subsection (2) be considered in the
13 development of accountability standards for public schools
14 pursuant to ss. 1000.03, 1008.345, and 1001.42(16) and for
15 community colleges pursuant to s. 1008.45.

16 (2) School board, superintendent, and technical
17 center, and community college board of trustees and president,
18 accountability for career and technical education programs
19 includes, but is not limited to:

20 1. Student demonstration of the academic skills
21 necessary to enter an occupation.

22 2. Student preparation to enter an occupation in an
23 entry-level position or continue postsecondary study.

24 3. Career and technical program articulation with
25 other corresponding postsecondary programs and job training
26 experiences.

27 4. Employer satisfaction with the performance of
28 students who complete career and technical education or reach
29 occupational completion points.

30 5. Student completion, placement, and retention rates
31 pursuant to s. 1008.43.

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1 (c) Department of Education accountability for career
2 and technical education includes, but is not limited to:

3 1. The provision of timely, accurate technical
4 assistance to school districts and community colleges.

5 2. The provision of timely, accurate information to
6 the State Board of Education, the Legislature, and the public.

7 3. The development of policies, rules, and procedures
8 that facilitate institutional attainment of the accountability
9 standards and coordinate the efforts of all divisions within
10 the department.

11 4. The development of program standards and
12 industry-driven benchmarks for career and technical, adult,
13 and community education programs, which must be updated every
14 3 years. The standards must include technical, academic, and
15 workplace skills; viability of distance learning for
16 instruction; and work/learn cycles that are responsive to
17 business and industry.

18 5. Overseeing school district and community college
19 compliance with the provisions of this chapter.

20 6. Ensuring that the educational outcomes for the
21 technical component of career and technical programs and are
22 uniform and designed to provide a graduate who is capable of
23 entering the workforce on an equally competitive basis
24 regardless of the institution of choice.

25 (3) Each technical center operated by a district
26 school board shall establish a center advisory council
27 pursuant to s. 1001.452. The center advisory council shall
28 assist in the preparation and evaluation of center improvement
29 plans required pursuant to s. 1001.42(16) and may provide
30 assistance, upon the request of the center director, in the
31 preparation of the center's annual budget and plan as required

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1 by s. 1008.385(1).

2 Section 236. Section 1004.93, Florida Statutes, is
3 created to read:

4 1004.93 Adult general education.--

5 (1)(a) The intent of this section is to encourage the
6 provision of educational services that will enable adults to
7 acquire:

8 1. The basic skills necessary to attain basic and
9 functional literacy.

10 2. A high school diploma or successfully complete the
11 general educational development test.

12 3. An educational foundation that will enable them to
13 become more employable, productive, and self-sufficient
14 citizens.

15 (b) It is further intended that educational
16 opportunities be available for adults who have earned a
17 diploma or high school equivalency diploma but who lack the
18 basic skills necessary to function effectively in everyday
19 situations, to enter the job market, or to enter technical
20 certificate instruction.

21 (2) The adult education program must provide academic
22 services to students in the following priority:

23 (a) Students who demonstrate skills at less than a
24 fifth grade level, as measured by tests approved for this
25 purpose by the State Board of Education, and who are studying
26 to achieve basic literacy.

27 (b) Students who demonstrate skills at the fifth grade
28 level or higher, but below the ninth grade level, as measured
29 by tests approved for this purpose by the State Board of
30 Education, and who are studying to achieve functional
31 literacy.

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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

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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

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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

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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 237. 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

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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

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- 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 f. Adult literacy through family literacy and

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1 workforce literacy programs.

2 (b) Every 3 years, the district school board or
3 community college board of trustees shall develop and maintain
4 a local adult literacy plan.

5 Section 238. Section 1004.95, Florida Statutes, is
6 created to read:

7 1004.95 Adult literacy centers.--

8 (1) The Commissioner of Education shall select
9 community colleges and public school districts to establish
10 and operate adult literacy centers to complement existing
11 public and private instructional adult literacy programs. The
12 centers shall identify, contact, counsel, and refer persons
13 considered to be lacking basic or functional literacy skills
14 or competencies related to prose, document, and quantitative
15 literacy skills to the appropriate private and public
16 agencies, including human service agencies. The centers may
17 not duplicate or supplant the existing services provided by
18 public and private agencies operating within the district.

19 (2) In selecting program participants, the
20 Commissioner of Education shall, at a minimum, consider the
21 extent to which:

22 (a) Cooperative arrangements with other state and
23 local agreements and innovative approaches will be used for
24 carrying out the role of the center;

25 (b) Similar services are provided within the service
26 delivery area;

27 (c) The program objectives may be accomplished within
28 the budget request;

29 (d) Provisions are made for monitoring program
30 performance; and

31 (e) Fiscal controls and fund accounting procedures

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1 exist to ensure proper use of, and accounting for, the program
2 funds.

3 (3) The activities and funding of center operations
4 shall be reported in a separate and distinct manner.

5 (4) The State Board of Education shall develop rules
6 for implementing this section, including criteria for
7 evaluating the performance of the centers, and shall submit an
8 evaluation report of the centers to the Legislature on or
9 before February 1 of each year.

10 Section 239. Section 1004.96, Florida Statutes, is
11 created to read:

12 1004.96 Community education.--

13 (1) Pursuant to this section and State Board of
14 Education rule, each school board and the Board of Trustees
15 for the Florida School for the Deaf and Blind may apply to the
16 Department of Education for a community education grant. An
17 applicant shall include in the grant application a description
18 of the community education program and process through which
19 the program is developed.

20 (2) The department shall give priority to applications
21 that include:

22 (a) Centers that serve the most students within
23 available resources.

24 (b) Programs for which funds are matched by the
25 Federal Government or other nonstate sources and which are
26 appropriate within the context of community education.

27 (c) Programs that provide before-school and
28 after-school activities for children.

29 Section 240. Section 1004.97, Florida Statutes, is
30 created to read:

31 1004.97 Florida Literacy Corps.--

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1 (1) It is the intent of the Legislature that eligible
2 postsecondary students be offered an opportunity to perform
3 public service by serving as volunteer tutors for adults who
4 do not possess basic or functional literacy skills.

5 (2) There is created a Florida Literacy Corps to be
6 administered by the Department of Education pursuant to this
7 section and rules of the State Board of Education.
8 Participating students earn college credit for tutoring adults
9 who do not possess basic or functional literacy skills
10 pursuant to an agreement between the institution in which the
11 student is enrolled and the district school board, community
12 college board of trustees, public library, or nonprofit
13 organization offering literacy instruction to adults pursuant
14 to s. 1004.94. The district school board, community college
15 board of trustees, public library, or nonprofit organization
16 is solely responsible for providing literacy programs and
17 instructing participating postsecondary students.

18 (3) In order to be eligible to participate in the
19 Florida Literacy Corps, a student must:

20 (a) Be enrolled in an eligible state university or
21 community college at least half time and be in good standing,
22 as defined by the institution.

23 (b) Have completed at least 12 semester hours of
24 college-level coursework that applies toward an associate in
25 arts or baccalaureate degree.

26 (c) Have attained a passing score on one of the
27 postsecondary entry-level examinations approved pursuant to
28 State Board of Education rule, be exempt from the
29 administration of such examination, or have successfully
30 completed any required college-preparatory instruction.

31 (4) In order to be eligible to participate in the

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1 Florida Literacy Corps, a state university or community
2 college must:
3 (a) Establish one or more undergraduate or graduate
4 courses, or both, in which participating students may earn a
5 maximum of 3 credit hours per semester, and a maximum of 6
6 credit hours over two or more semesters, by tutoring adults
7 who do not possess basic or functional literacy skills. The
8 institution shall establish such courses in the common course
9 designation and numbering system. The courses must require
10 students to complete instruction for prospective tutors, tutor
11 adults for at least 25 hours per semester for each hour of
12 credit awarded, and satisfy any other requirements imposed by
13 the institution.
14 (b) Submit a proposal to the Department of Education
15 for review and approval. The proposal must include, but is not
16 limited to:
17 1. Identification of the school district, community
18 college, public library, or nonprofit organization with which
19 participating students will be working.
20 2. Demonstration of the need for literacy tutors by
21 the school district, community college, public library, or
22 nonprofit organization.
23 3. Demonstration of commitment by the public school,
24 community college, public library, or nonprofit organization
25 to provide instruction for tutors.
26 4. Description of the literacy program.
27 5. Demonstration of student interest in program
28 participation.
29 6. Designation of one or more faculty to conduct the
30 Florida Literacy Corps course and identification of the
31 qualifications of such faculty.

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1 (5) From funds appropriated for the purposes of this
2 section, the department shall allocate an amount for each
3 approved proposal based on the number of students approved for
4 enrollment and subsequently enrolled in Florida Literacy Corps
5 courses.

6 (6) Each participating state university and community
7 college shall submit an annual report to the Commissioner of
8 Education which includes, but is not limited to:

9 (a) The number of hours of tutoring conducted by
10 participating students.

11 (b) The number of students enrolled in the courses.

12 (c) The number of students who successfully complete
13 the courses.

14 (d) An evaluation of the tutors' effectiveness as
15 judged by the participating school district, community
16 college, public library, or nonprofit organization. The
17 department shall develop a common evaluation form for this
18 purpose.

19 (e) The number of full-time equivalent enrollments
20 generated by the participating students.

21 (7) The department shall compile the annual reports
22 into a single, annual programmatic report to be submitted to
23 the State Board of Education by December 1 of each year.

24 Section 241. Section 1004.98, Florida Statutes, is
25 created to read:

26 1004.98 Workforce literacy programs.--

27 (1) The workforce literacy program is established
28 within the community colleges and school districts to ensure
29 the existence of sufficient numbers of employees who possess
30 the skills necessary to perform in entry-level occupations and
31 to adapt to technological advances in the workplace.

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1 Workforce literacy programs are intended to support economic
2 development by increasing adult literacy and producing an
3 educated workforce.

4 (2) Each community college and school district may
5 conduct courses and programs through which adults gain the
6 communication and computation skills necessary to complete a
7 career and technical program, to gain or maintain entry-level
8 employment, or to upgrade employment. Courses may not be
9 conducted until the community college or school district
10 identifies current and prospective employees who do not
11 possess the skills necessary to enter career and technical
12 programs or to obtain or maintain employment.

13 (3) A community college or school district may be
14 eligible to fund a workforce literacy program pursuant to the
15 provisions of s. 1004.94.

16 Section 242. Chapter 1005, Florida Statutes, shall be
17 entitled "Nonpublic Postsecondary Education" and shall consist
18 of ss. 1005.01-1005.39.

19 Section 243. Part I of chapter 1005, Florida Statutes,
20 shall be entitled "General Provisions" and shall consist of
21 ss. 1005.01-1005.06.

22 Section 244. Section 1005.01, Florida Statutes, is
23 created to read:

24 1005.01 Purpose.--

25 (1) The Legislature encourages privately supported
26 higher education and intends to aid in protecting the health,
27 education, and welfare of persons who receive educational
28 services from independent postsecondary educational
29 institutions in this state; to aid in protecting employers and
30 others who depend upon people whose educational credentials
31 are from independent postsecondary educational institutions in

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1 this state; and to aid in protecting independent postsecondary
2 educational institutions that currently operate or intend to
3 begin operating in this state. The Legislature finds that both
4 individuals and independent postsecondary educational
5 institutions benefit from a state system that assures that all
6 institutions satisfactorily meet minimum educational
7 standards. The Legislature further recognizes the role of
8 federally recognized accrediting associations in setting
9 standards for independent postsecondary educational
10 institutions and encourages the use of recognized
11 accreditation standards as general guidelines for the
12 licensure of independent postsecondary educational
13 institutions.

14 (2) The Legislature recognizes that a degree, diploma,
15 or other educational credential serves several purposes.
16 Employers rely upon a person's educational credentials in
17 judging that person's qualifications for employment. Educators
18 rely upon a person's educational credentials to assess the
19 adequacy of that person's preparation for the pursuit of
20 further education. Therefore, the Legislature intends that the
21 provisions of this chapter aid in protecting the integrity of
22 degrees, diplomas, and other educational credentials offered
23 by independent postsecondary educational institutions by
24 providing for the evaluation of minimum educational
25 requirements.

26 (3) The Legislature intends to prohibit the granting
27 of false or misleading educational credentials and to prohibit
28 misleading literature, advertising, solicitation, or
29 representations by independent postsecondary educational
30 institutions or their agents.

31 Section 245. Section 1005.02, Florida Statutes, is

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1 created to read:

2 1005.02 Definitions.--As used in this chapter, the
3 term:

4 (1) "Accreditation" means accredited status awarded to
5 an institution by an accrediting agency or association that is
6 recognized by the United States Department of Education and
7 that has standards comparable to the minimum standards
8 required to operate an educational institution at that level
9 in this state.

10 (2) "Agent" means a person who is employed by an
11 independent postsecondary educational institution under the
12 jurisdiction of the Commission for Independent Education, or
13 by an out-of-state independent postsecondary educational
14 institution, and who secures an application or accepts payment
15 of fees from prospective students for the institution at any
16 place other than the legal place of business of the
17 institution.

18 (3) "Avocational" means a course or program the
19 objective of which is not occupational but is only for
20 personal enrichment or enjoyment. To be classified as
21 avocational, a program must:

22 (a) Prior to enrollment, provide to each enrollee, and
23 maintain a record copy of, a written statement that includes
24 the following or substantially similar language: "This program
25 is not designed or intended to qualify its participants and
26 graduates for employment. It is intended solely for the
27 avocation, personal enrichment, and enjoyment of its
28 participants."

29 (b) Not make any other verbal or written statement
30 that negates the required written statement by stating or
31 implying that people who enroll in or complete the program

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1 have a more substantial likelihood of obtaining employment in
2 the field to which the training pertains than people who do
3 not.

4 (4) "College" or "university" means any incorporated
5 postsecondary educational entity, and its additional
6 locations, offering a substantially complete program that
7 confers or offers to confer at least an associate degree
8 requiring at least 15 semester hours or the equivalent of
9 general education, or that furnishes or offers to furnish
10 instruction leading toward, or prerequisite to, college
11 credit. The terms include any college-credit-granting
12 independent educational institution that is chartered in this
13 state and any center or branch campus within this state of an
14 out-of-state institution at the college-credit level.

15 (5) "Commission" means the Commission for Independent
16 Education.

17 (6) "Contract training" means instruction or training
18 provided through a written contract with an independent
19 contractor whose fees and any other charges are entirely paid
20 by a company, trade or professional association, or group of
21 employers to provide the instruction exclusively to bona fide
22 employees of the entity that engaged the contractor. The term
23 applies only when those receiving training are selected by
24 their employer and are not recruited by the contractor.

25 (7) "Degree" means any educational credential that is
26 generally taken to signify satisfactory completion of the
27 requirements of an undergraduate, graduate, academic,
28 educational, or professional program of study or any honorary
29 credential conferred for meritorious recognition. At the
30 undergraduate level, an institution may not award a degree for
31 a program unless it includes a general education component as

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1 established by rule and at least 60 semester hours or 90
2 quarter hours of study or the equivalent.

3 (8) "Diploma" means a credential that is not a degree
4 but is any of the following: a certificate, transcript,
5 report, document, or title; a designation, mark, or
6 appellation; or a series of letters, numbers, or words that
7 generally are taken to signify satisfactory completion of the
8 requirements of an educational, technical, or career program
9 of study or training or course of study.

10 (9) "Examination preparation course" means a course or
11 program that does not offer to confer a diploma, that is
12 offered by a person or entity that discloses in all
13 advertising that the course or program is for test
14 preparation, and that does not include any expression or
15 implication in writing or orally regarding salaries, job
16 placement, or career advancement.

17 (10) "Governmental" means an institution provided,
18 operated, and supported by a federal, state, or county
19 government or any of its political subdivisions.

20 (11) "Independent postsecondary educational
21 institution" means any postsecondary educational institution
22 that operates in this state or makes application to operate in
23 this state, and is not provided, operated, and supported by
24 the State of Florida, its political subdivisions, or the
25 Federal Government.

26 (12) "In-service, continuing education, or
27 professional development" means training provided by:

28 (a) A trade or professional association or a group of
29 employers in the same or related business who offer training
30 and provide only professional-development programs to bona
31 fide employees or contractors of an employer who is a member

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1 of the association or employers who qualify for membership;

2 (b) A labor union or group of labor unions that offer
3 training to and trains only those persons who are dues-paying
4 members of the participating labor union;

5 (c) An independent contractor engaged by the labor
6 union or group of labor unions, by written contract, to
7 provide the training on its behalf exclusively to those who
8 are selected by the labor union or group of labor unions that
9 engaged the contractor and who are dues-paying members of that
10 union; or

11 (d) A person or entity offering only
12 continuing-education programs to persons who engage in an
13 occupation or profession whose practitioners are subject to
14 licensure, certification, or registration by a state agency
15 that recognizes the programs for continuing-education purposes
16 and provides a written statement of the recognition.

17 (13) "License" means a certificate signifying that an
18 independent postsecondary educational institution meets
19 standards prescribed in statute or rule and is permitted to
20 operate in this state.

21 (14) "Operating in this state" means any of the
22 following:

23 (a) Maintaining for any purpose related to offering a
24 degree, diploma, or credit a physical location in this state,
25 a mailing address in this state, a telephone or facsimile
26 number in this state, or a mail forwarding service or
27 telephone answering or relay service in this state or
28 advertising any such presence; or

29 (b) By any means or device, facilitating in this state
30 any part of a scheme to offer a degree, diploma, or credit, or
31 any activity connected with the administration, promotion,

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1 recruitment, placement, instruction, fee collection or
2 receipt, or any other function of a purported independent
3 postsecondary educational institution, other than periodic and
4 customary contact with the institution's own alumni.

5 (15) "Out-of-state college" or "out-of-state school"
6 means any independent postsecondary educational institution
7 where the place of instruction, the legal place of residence,
8 or the place of evaluation of instruction or work by
9 correspondence or distance education is not within the legal
10 boundaries of this state.

11 (16) "School" means any nonpublic postsecondary
12 noncollegiate educational institution, association,
13 corporation, person, partnership, or organization of any type
14 which:

15 (a) Offers to provide or provides any complete, or
16 substantially complete, postsecondary program of instruction
17 through the student's personal attendance; in the presence of
18 an instructor; in a classroom, clinical, or other practicum
19 setting; or through correspondence or other distance
20 education;

21 (b) Represents, directly or by implication, that the
22 instruction will qualify the student for employment in an
23 occupation for which a degree is not required in order to
24 practice in this state;

25 (c) Receives remuneration from the student or any
26 other source based on the enrollment of a student or the
27 number of students enrolled; or

28 (d) Offers to award or awards a diploma, regardless of
29 whether it conducts instruction or receives remuneration.

30 Section 246. Section 1005.03, Florida Statutes, is
31 created to read:

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1 1005.03 Designation "college" or "university".--

2 (1) The use of the designation "college" or
3 "university" in combination with any series of letters,
4 numbers, or words is restricted in this state to colleges or
5 universities as defined in s. 1005.02 that offer degrees as
6 defined in s. 1005.02 and fall into at least one of the
7 following categories:

8 (a) A Florida public college.

9 (b) A Florida or out-of-state college that has been in
10 active operation and using the designation "college" or
11 "university" since April 1, 1970.

12 (c) A college for which the commission has issued a
13 license pursuant to the provisions of this chapter.

14 (d) A college that is under the jurisdiction of the
15 Division of Colleges and Universities of the Department of
16 Education, whose students are eligible for the William L.
17 Boyd, IV, Florida Resident Access Grant, and that is a
18 nonprofit independent college or university located and
19 chartered in this state and accredited by the Commission on
20 Colleges of the Southern Association of Colleges and Schools
21 to grant baccalaureate degrees.

22 (e) A college that meets the description of either s.
23 1005.06(1)(e) or s. 1005.06(1)(f).

24 (2) If a college is approved under subsection (1) to
25 use the designation "college" or "university," a branch or
26 extension of that college may use the name of the parent
27 college, but shall include an indication of the location of
28 the branch or extension.

29 (3) Any entity offering postsecondary educational
30 courses or programs of study in Florida, whether or not
31 college credit is awarded, shall be subject to the provisions

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1 of this section.

2 (4) An entity shall not use the destination "college"
3 or "university" in its name in Florida without approval by the
4 commission, unless the commission determines that its name is
5 clearly and accurately descriptive of the services provided by
6 the entity and is not one that may mislead the public.

7 Section 247. Section 1005.04, Florida Statutes, is
8 created to read:

9 1005.04 Fair consumer practices.--

10 (1) Every institution that is under the jurisdiction
11 of the commission or is exempt from the jurisdiction or
12 purview of the commission pursuant to s. 1005.06(1)(c) or
13 (1)(f) and that either directly or indirectly solicits for
14 enrollment any student shall:

15 (a) Disclose to each prospective student a statement
16 of the purpose of such institution, its educational programs
17 and curricula, a description of its physical facilities, its
18 status regarding licensure, its fee schedule and policies
19 regarding retaining student fees if a student withdraws, and a
20 statement regarding the transferability of credits to and from
21 other institutions. The institution shall make the required
22 disclosures in writing at least 1 week prior to enrollment or
23 collection of any tuition from the prospective student. The
24 required disclosures may be made in the institution's current
25 catalog.

26 (b) Use a reliable method to assess, before accepting
27 a student into a program, the student's ability to complete
28 successfully the course of study for which he or she has
29 applied;

30 (c) Inform each student accurately about financial
31 assistance and obligations for repayment of loans; describe

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1 any employment placement services provided and the limitations
2 thereof; and refrain from promising or implying guaranteed
3 placement, market availability, or salary amounts;

4 (d) Provide to prospective and enrolled students
5 accurate information regarding the relationship of its
6 programs to state licensure requirements for practicing
7 related occupations and professions in Florida;

8 (e) Ensure that all advertisements are accurate and
9 not misleading;

10 (f) Publish and follow an equitable prorated refund
11 policy for all students, and follow both the federal refund
12 guidelines for students receiving federal financial assistance
13 and the minimum refund guidelines set by commission rule;

14 (g) Follow the requirements of state and federal laws
15 that require annual reporting with respect to crime statistics
16 and physical plant safety and make those reports available to
17 the public; and

18 (h) Publish and follow procedures for handling student
19 complaints, disciplinary actions, and appeals.

20 (2) In addition, institutions that are required to be
21 licensed by the commission shall disclose to prospective
22 students that additional information regarding the institution
23 may be obtained by contacting the Commission for Independent
24 Education, Department of Education, Tallahassee.

25 Section 248. Section 1005.05, Florida Statutes, is
26 created to read:

27 1005.05 Certificate and diploma programs.--No
28 nonpublic college shall continue to conduct or begin to
29 conduct any diploma program as defined in s. 1005.02, unless
30 the college applies for and obtains approval for such program.

31 Colleges under the jurisdiction of the Commission for

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1 Independent Education shall apply to the commission. Colleges
2 that are not under the jurisdiction of the commission shall
3 apply to the Department of Education.

4 Section 249. Section 1005.06, Florida Statutes, is
5 created to read:

6 1005.06 Institutions not under the jurisdiction or
7 purview of the commission.--

8 (1) Except as otherwise provided in law, the following
9 institutions are not under the jurisdiction or purview of the
10 commission and are not required to obtain licensure:

11 (a) Any postsecondary educational institution
12 provided, operated, or supported by this state, its political
13 subdivisions, or the Federal Government.

14 (b) Any college, school, or course licensed or
15 approved for establishment and operation under part I of
16 chapter 464, chapter 466, or chapter 475, or any other chapter
17 of the Florida Statutes requiring licensing or approval as
18 defined in this chapter.

19 (c) Any institution that is under the jurisdiction of
20 the Division of Colleges and Universities of the Department of
21 Education, whose students are eligible for the William L.
22 Boyd, IV, Florida Resident Access Grant, and that is a
23 nonprofit independent college or university located and
24 chartered in this state and accredited by the Commission on
25 Colleges of the Southern Association of Colleges and Schools
26 to grant baccalaureate degrees.

27 (d) Any institution that offers only avocational
28 programs or courses, examination preparation programs or
29 courses, contract training programs or courses, continuing
30 education, or professional development programs or courses.

31 (e) Any institution that was exempt from licensure in

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1 2001 under s. 246.085(1)(b), Florida Statutes 2001, as long as
2 it maintains these qualifying criteria: the institution is
3 incorporated in this state, the institution's credits or
4 degrees are accepted for credit by at least three colleges
5 that are fully accredited by an agency recognized by the
6 United States Department of Education, the institution was
7 exempt under that category prior to July 1, 1982, and the
8 institution does not enroll any students who receive state or
9 federal financial aid for education. Such an institution shall
10 notify the commission and apply for licensure if it no longer
11 meets these criteria.

12 (f) A religious college may operate without
13 governmental oversight if the college annually verifies by
14 sworn affidavit to the commission that:

15 1. The name of the institution includes a religious
16 modifier or the name of a religious patriarch, saint, person,
17 or symbol of the church.

18 2. The institution offers only educational programs
19 that prepare students for religious vocations as ministers,
20 professionals, or laypersons in the categories of ministry,
21 counseling, theology, education, administration, music, fine
22 arts, media communications, or social work.

23 3. The titles of degrees issued by the institution
24 cannot be confused with secular degree titles. For this
25 purpose, each degree title must include a religious modifier
26 that immediately precedes, or is included within, any of the
27 following degrees: Associate of Arts, Associate of Science,
28 Bachelor of Arts, Bachelor of Science, Master of Arts, Master
29 of Science, Doctor of Philosophy, and Doctor of Education. The
30 religious modifier must be placed on the title line of the
31 degree, on the transcript, and whenever the title of the

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1 degree appears in official school documents or publications.

2 4. The duration of all degree programs offered by the
3 institution is consistent with the standards of the
4 commission.

5 5. The institution's consumer practices are consistent
6 with those required by s. 1005.04.

7
8 The commission may provide such a religious institution a
9 letter stating that the institution has met the requirements
10 of state law and is not subject to governmental oversight.

11 (g) Any institution that is regulated by the Federal
12 Aviation Administration, another agency of the Federal
13 Government, or an agency of the state whose regulatory laws
14 are similar in nature and purpose to those of the commission
15 and require minimum educational standards, for at least
16 curriculum, instructors, and academic progress and provide
17 protection against fraudulent, deceptive, and substandard
18 education practices.

19 (2) The Department of Education may contract with the
20 Commission on Independent Education to provide services for
21 independent postsecondary educational institutions not under
22 the jurisdiction of the commission relating to licensure of
23 postsecondary technical certificate and diploma programs that
24 such institutions may wish to offer and preliminary review of
25 programs such institutions may wish to offer which are beyond
26 the scope of the institutions's current accreditation status.
27 Upon completion of its review, the commission shall forward
28 its recommendation to the department for final action. The
29 department shall assess the institution seeking such services
30 the cost to the commission of providing such services.
31 Revenues collected pursuant to this provision shall be

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1 deposited in the Institutional Assessment Trust Fund.

2 Section 250. Part II of chapter 1005, Florida
3 Statutes, shall be entitled "Commission for Independent
4 Education" and shall consist of ss. 1005.21-1005.22.

5 Section 251. Section 1005.21, Florida Statutes, is
6 created to read:

7 1005.21 Commission for Independent Education.--

8 (1) There is established in the Department of
9 Education the Commission for Independent Education. The
10 department shall serve as the administrative agent of the
11 commission by providing services, including payroll,
12 procurement, and legal counsel. The commission shall exercise
13 independently all powers, duties, and functions prescribed by
14 law. The commission shall authorize the granting of diplomas
15 and degrees by any independent postsecondary educational
16 institution under its jurisdiction.

17 (2) The Commission for Independent Education shall
18 consist of seven members who are residents of this state. The
19 commission shall function in matters concerning independent
20 postsecondary educational institutions in consumer protection,
21 program improvement, and licensure for institutions under its
22 purview. The Governor shall appoint the members of the
23 commission who are subject to confirmation by the Senate. The
24 membership of the commission shall consist of:

25 (a) Two representatives of independent colleges or
26 universities licensed by the commission.

27 (b) Two representatives of independent,
28 nondegree-granting schools licensed by the commission.

29 (c) One member from a public school district or
30 community college who is an administrator of career and
31 technical education.

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1 (d) One representative of a college that meets the
2 criteria of s. 1005.06(1)(f).

3 (e) One lay member who is not affiliated with an
4 independent postsecondary educational institution.

5 (3) The members of the commission shall be appointed
6 to 3-year terms and until their successors are appointed and
7 qualified. If a vacancy on the commission occurs before the
8 expiration of a term, the Governor shall appoint a successor
9 to serve the unexpired portion of the term.

10 (4) The commission shall meet at least four times each
11 fiscal year.

12 (5) Members of the commission are entitled to
13 reimbursement for travel and per diem expenses, as provided in
14 s. 112.061, while performing their duties.

15 (6) Each member is accountable to the Governor for the
16 proper performance of the duties of his or her office. The
17 Governor may remove from office any member for cause.

18 Section 252. Section 1005.22, Florida Statutes, is
19 created to read:

20 1005.22 Powers and duties of commission.--

21 (1) The commission shall:

22 (a) Hold meetings as necessary to administer its
23 duties.

24 (b) Annually select a chairperson and a vice
25 chairperson, appoint and review an executive director, and
26 authorize the executive director to appoint employees of the
27 commission.

28 (c) Adopt and use an official seal in the
29 authentication of its acts.

30 (d) Make rules for its own governance.

31 (e) Administer the provisions of this chapter. To this

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1 end, the commission has the following administrative powers
2 and responsibilities:

3 1. The commission shall adopt rules pursuant to ss.
4 120.536(1) and 120.54 for the operation and establishment of
5 independent postsecondary educational institutions. The
6 commission shall submit the rules to the State Board of
7 Education for approval or disapproval. If the state board does
8 not act on a rule within 60 days after receiving it, the rule
9 shall be filed immediately with the Department of State.

10 2. The commission shall submit an annual budget to the
11 State Board of Education.

12 3. The commission shall transmit all fees, donations,
13 and other receipts of money to the Institutional Assessment
14 Trust Fund.

15 4. The commission shall expend funds as necessary to
16 assist in the application and enforcement of its powers and
17 duties. The Chief Financial Officer shall pay out all moneys
18 and funds as directed under this chapter upon vouchers
19 approved by the Department of Education for all lawful
20 purposes necessary to administering this chapter. The
21 commission shall make annual reports to the State Board of
22 Education showing in detail amounts received and all
23 expenditures. The commission shall include in its annual
24 report to the State Board of Education a statement of its
25 major activities during the period covered by the report.

26 (f) Maintain a record of its proceedings.

27 (g) Cooperate with other state and federal agencies
28 and other nongovernmental agencies in administering its
29 duties.

30 (h) Cause to be investigated criminal justice
31 information, as defined in s. 943.045, for each owner,

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1 administrator, and agent employed by an institution applying
2 for licensure from the commission.

3 (i) Serve as a central agency for collecting and
4 distributing current information regarding institutions
5 licensed by the commission.

6 (j) Inform independent postsecondary educational
7 institutions of laws adopted by the Legislature and rules
8 adopted by the State Board of Education and the commission and
9 of their responsibility to follow those laws and rules.

10 (k) Establish and publicize the procedures for
11 receiving and responding to complaints from students, faculty,
12 and others concerning institutions or programs under the
13 purview of the commission, and keep records of such complaints
14 in order to determine the frequency and nature of complaints
15 with respect to specific institutions of higher education.

16 (l) Provide annually to the Office of Student
17 Financial Assistance of the Department of Education
18 information and documentation that can be used to determine an
19 institution's eligibility to participate in state student
20 financial assistance programs.

21 (m) Coordinate and convey annual reports to the
22 Commissioner of Education relating to campus crime statistics,
23 the assessment of physical plant safety, and the antihazing
24 policies of nonpublic postsecondary educational institutions
25 eligible to receive state-funded student assistance, as
26 required by law.

27 (n) Identify and report to the Office of Student
28 Financial Assistance the accrediting associations recognized
29 by the United States Department of Education which have
30 standards that are comparable to the minimum standards
31 required to operate an institution at that level in this

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1 state.
2 (o) Assure that an institution is not required to
3 operate without a current license because of the schedule of
4 commission meetings or application procedures, if the
5 institution has met the commission's requirements for
6 licensure or license renewal.
7 (2) The commission may:
8 (a) Sue or be sued.
9 (b) Enter into contracts with the Federal Government,
10 with other departments of the state, or with individuals.
11 (c) Receive bequests and gifts, subject to any
12 restrictions upon which the commission and the donor agree.
13 (d) Appoint standing or special committees to assist
14 it in carrying out its responsibilities. Committees may
15 include members who are not commission members or
16 representatives of licensed postsecondary institutions.
17 (e) Advise the Governor, the Legislature, the State
18 Board of Education, the Council for Education Policy Research
19 and Improvement, and the Commissioner of Education on issues
20 relating to private postsecondary education.
21 (f) Delegate to the chairperson of the commission the
22 responsibility for signing final orders.
23 (g) Assist independent postsecondary educational
24 institutions in formulating articulation agreements with
25 public and other independent institutions.
26 (h) Establish and operate additional offices in the
27 central and southern part of the state if the concentration of
28 licensed institutions renders such an office economically
29 feasible.
30 (i) Establish and administer the Student Protection
31 Fund pursuant to s. 1005.37.

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1 Section 253. Part III of chapter 1005, Florida
2 Statutes, shall be entitled "Licensure of Nonpublic
3 Postsecondary Educational Institutions" and shall consist of
4 ss. 1005.31-1005.39.

5 Section 254. Section 1005.31, Florida Statutes, is
6 created to read:

7 1005.31 Licensure of institutions.--

8 (1) Each college or school operating within this state
9 must obtain licensure from the commission unless the
10 institution is not under the commission's purview or
11 jurisdiction as provided in s. 1005.06.

12 (2) The commission shall develop minimum standards by
13 which to evaluate institutions for licensure. These standards
14 must include at least the institution's name, financial
15 stability, purpose, administrative organization, admissions
16 and recruitment, educational programs and curricula,
17 retention, completion, career placement, faculty, learning
18 resources, student personnel services, physical plant and
19 facilities, publications, and disclosure statements about the
20 status of the institution with respect to professional
21 certification and licensure. The commission may adopt rules to
22 ensure that institutions licensed under this section meet
23 these standards in ways that are appropriate to achieve the
24 stated intent of this chapter, including provisions for
25 nontraditional or distance education programs and delivery.

26 (3) The commission shall recognize an institution
27 based on the institution's highest educational offering and
28 shall adopt rules for licensure that include reporting
29 requirements for each level of licensure.

30 (4) Approved-applicant status shall be extended to all
31 institutions that have submitted a complete application, as

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1 defined in rule, for provisional licensure and paid all
2 attendant fees. In granting approved-applicant status, the
3 commission shall provide to commission staff and the
4 institution a list of specific omissions or deficiencies.
5 Institutions granted approved-applicant status may not
6 advertise, offer programs of study, collect tuition or fees,
7 or engage in any other activities not specifically approved by
8 the commission. If the commission, or the commission staff if
9 specifically directed by the commission, determines that the
10 omissions or deficiencies have been provided for or corrected,
11 the institution may be awarded a provisional license.

12 (5) Provisional licensure shall be granted to an
13 applicant for initial licensure for a period not to exceed 1
14 year when the commission determines that the applicant is in
15 substantial compliance with the standards for licensure. A
16 provisional license granted for initial licensure may be
17 extended for up to 1 additional year. A licensed institution
18 that has undergone a substantive change, as defined by rule,
19 must be granted a provisional license for a period of time
20 determined by the commission, after which period the
21 institution may apply for a different status. A provisional
22 license may include conditions required by the commission, and
23 all conditions must be met before the institution may receive
24 a different licensure status.

25 (6) An annual license shall be granted to an
26 institution holding a provisional license, or seeking a
27 renewal of an annual license, upon demonstrating full
28 compliance with licensure standards. An annual license may be
29 extended for up to 1 year if the institution meets the
30 requirements set by rule for such an extension.

31 (7) An institution may not conduct a program unless

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1 specific authority is granted in its license.

2 (8) A license granted by the commission is not
3 transferable to another institution or to another agent, and
4 an institution's license does not transfer when the
5 institution's ownership changes.

6 (a) A licensed institution must notify the commission
7 prior to a change of ownership or control. The commission
8 shall adopt procedures for interim executive approval of a
9 change of ownership or control if the next scheduled meeting
10 of the commission occurs after the scheduled date of the
11 change of ownership or control.

12 (b) The commission may adopt rules governing changes
13 of ownership or control.

14 (9) An independent postsecondary educational
15 institution or any person acting on behalf of such an
16 institution may not publish any advertisement soliciting
17 students or offering a credential before the institution is
18 duly licensed by the commission or while the institution is
19 under an injunction against operating, soliciting students, or
20 offering an educational credential.

21 (10) The commission shall establish minimum standards
22 for the approval of agents. The commission may adopt rules to
23 ensure that licensed agents meet these standards and uphold
24 the intent of this chapter. An agent may not solicit
25 prospective students in this state for enrollment in any
26 independent postsecondary educational institution under the
27 commission's purview or in any out-of-state independent
28 postsecondary educational institution unless the agent has
29 received a license as prescribed by the commission.

30 (11) A student of a foreign medical school may not
31 engage in a clinical clerkship in this state unless the

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1 foreign medical school has received a license, in the case of
2 a core clerkship or an ongoing regular program of clerkships,
3 or has received individual approval, in the case of an
4 occasional elective clerkship. The commission may adopt rules
5 to administer this subsection.

6 (12) The granting of a license is not an
7 accreditation.

8 (13) As a condition of licensure, an independent
9 college or university must provide the commission with a copy
10 of its antihazing policy.

11 Section 255. Section 1005.32, Florida Statutes, is
12 created to read:

13 1005.32 Licensure by means of accreditation.--

14 (1) An independent postsecondary educational
15 institution that meets the following criteria may apply for a
16 license by means of accreditation from the commission:

17 (a) The institution has operated legally in this state
18 for at least 5 consecutive years.

19 (b) The institution holds institutional accreditation
20 by an accrediting agency evaluated and approved by the
21 commission as having standards substantially equivalent to the
22 commission's licensure standards.

23 (c) The institution has no unresolved complaints or
24 actions in the past 12 months.

25 (d) The institution meets minimum requirements for
26 financial responsibility as determined by the commission.

27 (e) The institution is a Florida corporation.

28 (2) An institution that was exempt from licensure in
29 2001 under s. 246.085(1)(a), Florida Statutes 2001, may retain
30 an exemption until the commission issues it a license by means
31 of accreditation as provided in this section.

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1 (3) The commission may not require an institution
2 granted a license by means of accreditation to submit reports
3 that differ from the reports required by its accrediting
4 association, except that each institution must file with the
5 commission an annual audit report and follow the commission's
6 requirements for orderly closing, including provisions for
7 trainout or refunds and arranging for the proper disposition
8 of student and institutional records.

9 (4) An institution granted a license by means of
10 accreditation must apply for and receive another level of
11 licensure before the institution may offer courses or programs
12 that exceed the scope or level of its accreditation.

13 (5) Institutions granted a license by means of
14 accreditation must comply with the standards of fair consumer
15 practices as established in rule by the commission.

16 (6) A license by means of accreditation is valid for
17 the same period as the qualifying grant of accreditation.

18 (7) A license by means of accreditation may be denied,
19 placed on probation, or revoked for repeated failure to comply
20 with the requirements of this section. The commission shall
21 adopt rules for these actions. Revocation or denial of a
22 license by means of accreditation requires that the
23 institution immediately obtain an annual license.

24 Section 256. Section 1005.33, Florida Statutes, is
25 created to read:

26 1005.33 License period and renewal.--

27 (1) As required by rule, the commission shall
28 periodically review each license to determine if the
29 institution is in compliance with this chapter and should have
30 its license renewed. The commission may extend an annual or
31 provisional license if a good-faith effort has been made by

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1 the institution and agent. The commission shall determine what
2 constitutes compliance or a good-faith effort and may adopt
3 rules to administer this section.

4 (2) A licensed independent postsecondary educational
5 institution that seeks to expand or modify its programs or
6 degrees to be conferred or to add new locations must seek
7 prior approval from the commission. The commission shall adopt
8 rules for the approval of modified or additional programs,
9 degrees, and locations.

10 (3) On the effective date of this act, an institution
11 that, in 2002, held the status of "Permission to Operate"
12 under s. 246.093, Florida Statutes 2001, has 90 days to seek
13 and obtain licensure from the commission. Ninety days after
14 this act takes effect, that status no longer authorizes an
15 institution to operate in Florida.

16 Section 257. Section 1005.34, Florida Statutes, is
17 created to read:

18 1005.34 Fair consumer practices; condition of
19 operation.--The commission shall adopt rules to ensure the
20 protection of students, including rules establishing fair
21 consumer practices pursuant to s. 1005.04.

22 (1) The commission may not grant or renew a license
23 unless the institution seeking the action provides the
24 commission with a sworn statement of compliance with rules
25 regarding fair consumer practices.

26 (2) The commission may examine any complaint against
27 an institution under its jurisdiction and, if the institution
28 is found to be routinely handling these matters correctly, the
29 complaint shall be considered closed. Complaints under this
30 subsection against accredited institutions, if not resolved,
31 shall be forwarded to the accrediting agency for any

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1 appropriate action. The institution shall notify the
2 commission of any and all actions taken by the accrediting
3 agency in response to the complaint.

4 (3) Failure to comply with this section is cause for
5 denial or revocation of a license.

6 Section 258. Section 1005.35, Florida Statutes, is
7 created to read:

8 1005.35 Fees.--

9 (1) The Commission for Independent Education shall
10 annually establish a fee schedule to generate, from fees, the
11 amount of revenue appropriated for its operation.

12 (2) The commission shall include, as a part of its
13 legislative budget request, a proposed fee schedule to
14 generate the appropriated fee revenue required in the General
15 Appropriations Act. The commission may adjust the fee amounts
16 to generate the fee revenue required in the General
17 Appropriations Act but may not add fee categories without the
18 Legislature's approval. The fee schedule proposed in the
19 legislative budget request takes effect unless the Legislature
20 requires changes.

21 (3) The commission shall charge each licensed
22 institution a base fee to cover the cost of routine services,
23 such as data collection and dissemination. The base fee may be
24 higher for institutions with a large enrollment but may not
25 exceed one-half of 1 percent of the amount appropriated for
26 the commission.

27 (4) The commission shall assess workload fees to
28 institutions for specific services that relate to:

29 (a) Licensure.

30 (b) Annual reviews.

31 (c) Special reviews.

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1 (d) Site visits.

2 (e) Resolution of complaints.

3 (f) Approval to use the term "college" or
4 "university."

5 (g) Participation in the Student Protection Fund
6 established pursuant to s. 1005.37.

7 (h) Other workload activities as allowed by law.

8 (5) The commission may assess late fees for an
9 institution's failure to timely submit required materials.

10 (6) All fees shall be submitted through the Department
11 of Education to the Chief Financial Officer, to be deposited
12 in the Institutional Assessment Trust Fund.

13 (7) All fees authorized in this section are
14 administrative fees and are not refundable unless paid in
15 error. The commission may deduct from an institution's future
16 fee collection any unintentional overpayment.

17 Section 259. Section 1005.36, Florida Statutes, is
18 created to read:

19 1005.36 Institutional closings.--

20 (1) The Legislature intends to protect students and
21 the independent sector of postsecondary education from the
22 detriment caused by licensed institutions that cease operation
23 without providing for the proper completion of student
24 training or for the appropriate refund of student fees. To
25 serve this intention, the Commission for Independent Education
26 may prevent the operation in this state of a licensed
27 independent postsecondary educational institution by an owner
28 who has unlawfully closed another institution and the
29 commission may exercise control over student records upon
30 closure of a licensed institution if the institution does not
31 provide an orderly closure.

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1 (2) At least 30 days prior to closing an institution,
2 its owners, directors, or administrators shall notify the
3 commission in writing of the closure of the institution. The
4 owners, directors, and administrators must organize an orderly
5 closure of the institution, which means at least providing for
6 the completion of training of its students. The commission
7 must approve any such plan. An owner, director, or
8 administrator who fails to notify the commission at least 30
9 days prior to the institution's closure, or who fails to
10 organize the orderly closure of the institution and the
11 trainout of the students, commits a misdemeanor of the second
12 degree, punishable as provided in s. 775.082 or s. 775.083.

13 (3) If the commission finds that an institution has
14 ceased operating without providing for the proper access to
15 student records, the commission may require the institution to
16 convey all student records to the commission office or to
17 another location designated by the commission or its staff.
18 The commission shall make copies of records available to
19 bankruptcy trustees upon request and to the student or those
20 designated by the student. Confidentiality of the records
21 shall be maintained to the extent required by law. The
22 commission may seek civil penalties not to exceed \$10,000 from
23 any owner, director, or administrator of an institution who
24 knowingly destroys, abandons, or fails to convey or provide
25 for the safekeeping of institutional and student records. The
26 commission may use moneys in the Student Protection Fund to
27 facilitate the retrieval or safekeeping of records from an
28 institution that has closed.

29 (4) The commission may refer matters it deems
30 appropriate to the Department of Legal Affairs or the state
31 attorney for investigation and prosecution.

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1 Section 260. Section 1005.37, Florida Statutes, is
2 created to read:

3 1005.37 Student Protection Fund.--

4 (1) The commission shall establish and administer a
5 statewide, fee-supported financial program through which funds
6 will be available to complete the training of a student who
7 enrolls in a nonpublic school that terminates a program or
8 ceases operation before the student has completed his or her
9 program of study. The financial program is named the Student
10 Protection Fund.

11 (2) The commission is authorized to assess a fee from
12 the schools within its jurisdiction for such purpose. The
13 commission shall assess a licensed school an additional fee
14 for its eligibility for the Student Protection Fund.

15 (3) If a licensed school terminates a program before
16 all students complete it, the commission shall also assess
17 that school a fee adequate to pay the full cost to the Student
18 Protection Fund of completing the training of students.

19 (4) The fund shall consist entirely of fees assessed
20 to licensed schools and shall not be funded under any
21 circumstances by public funds, nor shall the commission make
22 payments or be obligated to make payments in excess of the
23 assessments actually received from licensed schools and
24 deposited in the Institutional Assessment Trust Fund to the
25 credit of the Student Protection Fund.

26 (5) At each commission meeting, the commission shall
27 consider the need for and shall make required assessments,
28 shall review the collection status of unpaid assessments and
29 take all necessary steps to collect them, and shall review all
30 moneys in the fund and expenses incurred since the last
31 reporting period. This review must include administrative

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1 expenses, moneys received, and payments made to students or to
2 lending institutions.

3 (6) Staff of the commission must immediately inform
4 the commission upon learning of the closing of a licensed
5 school or the termination of a program that could expose the
6 fund to liability.

7 (7) The Student Protection Fund must be actuarially
8 sound, periodically audited by the Auditor General in
9 connection with his or her audit of the Department of
10 Education, and reviewed to determine if additional fees must
11 be charged to schools eligible to participate in the fund.

12 Section 261. Section 1005.38, Florida Statutes, is
13 created to read:

14 1005.38 Actions against a licensee and other
15 penalties.--

16 (1) The commission may deny, place on probation, or
17 revoke any provisional license, annual license, licence by
18 means of accreditation, agent's license, or other
19 authorization required by this chapter. The commission shall
20 adopt rules for taking these actions. The commission may
21 impose an administrative fine of not more than \$5,000 if an
22 institution is on probation for a period under conditions that
23 require oversight by the commission or its staff. The fine
24 shall be deposited into the Institutional Assessment Trust
25 Fund.

26 (2) The commission may conduct an investigation to
27 determine if an applicant for a new institutional license, or
28 the owners, directors, or administrators of the institution,
29 previously closed an institution, failed to arrange for
30 completion of student training or issue appropriate refunds,
31 or had its license to operate an institution revoked or denied

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1 in this state or in another state or jurisdiction.

2 (3) Any person who has been convicted of, or entered a
3 plea of guilty or nolo contendere to, a crime that relates to
4 the unlawful operation or management of an institution is
5 ineligible to own, operate, manage, or be a registered agent
6 for a licensed institution in this state, and may not be a
7 director or an officer in a corporation that owns or operates
8 a licensed institution. Such a person may not operate or serve
9 in a management or supervisory position in a licensed
10 institution.

11 (4) The commission may deny an application for any
12 operating status if the commission determines that the
13 applicant or its owners, officers, directors, or
14 administrators were previously operating an institution in
15 this state or in another state or jurisdiction in a manner
16 contrary to the health, education, or welfare of the public.
17 The commission may consider factors such as the previous
18 denial or revocation of an institutional license; prior
19 criminal or civil administrative proceedings regarding the
20 operation and management of an institution; other types of
21 criminal proceedings involving fraud, deceit, dishonesty, or
22 moral turpitude; failure of the institution to be properly
23 closed, including completing the training or providing for the
24 trainout of its students; and failure to issue appropriate
25 refunds. The commission may require an applicant or its
26 owners, officers, directors, or administrators to provide the
27 commission with information under oath regarding the prior
28 operation of an institution and to provide criminal justice
29 information, the cost of which must be borne by the applicant
30 in addition to license fees.

31 (5) The commission may obtain an injunction or take

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1 any action it deems necessary against any institution or agent
2 in violation of this chapter, but such proceedings and orders
3 do not bar the imposition of any other penalties that may be
4 imposed for the violation.

5 (6) The commission may conduct disciplinary
6 proceedings through an investigation of any suspected
7 violation of this chapter, including a finding of probable
8 cause and making reports to any law enforcement agency or
9 regulatory agency.

10 (a) The commission shall notify an institution or
11 individual of the substance of any complaint that is under
12 investigation unless the executive director and chairperson of
13 the board concur that notification would impede the
14 investigation. The commission may also withhold notification
15 to a person under investigation for an act that constitutes a
16 criminal offense.

17 (b) The determination of probable cause shall be made
18 by a majority vote of the probable-cause panel, the membership
19 of which shall be provided by rule. After the panel declares a
20 finding of probable cause, the commission may issue an
21 administrative complaint and prosecute such complaint under
22 chapter 120.

23 (c) A privilege against civil liability is granted to
24 any informant or any witness who provides information in good
25 faith for an investigation or proceeding conducted under this
26 section.

27 (7) The commission may issue a cease and desist order
28 in conjunction with an administrative complaint or notice of
29 denial of licensure, if necessary to protect the health,
30 safety, or welfare of students, prospective students, or the
31 public. An unlicensed institution that advertises or causes

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1 advertisements to be made public through which students are
2 solicited for enrollment or are offered diplomas or degrees is
3 in violation of this chapter. The commission shall adopt rules
4 that direct the issuance of an injunction against operating,
5 advertising, or offering diplomas or degrees without a
6 license. Each day of operation after a cease and desist letter
7 is delivered constitutes a separate violation for purposes of
8 assessing fines or seeking civil penalties.

9 (a) A cease and desist order may be mandatory or
10 prohibitory in form and may order a postsecondary institution
11 to cease and desist from specified conduct or from failing to
12 engage in specified conduct necessary to achieve the
13 regulatory purposes of this chapter.

14 (b) A cease and desist order may include an order to
15 cease enrollment of students whom the institution cannot
16 adequately serve, to modify curricula or methods of
17 instruction to ensure the education or training of the type
18 and quality represented in the institutional catalog, or to
19 cease from advertising or to publish or broadcast corrective
20 or clarifying advertising to overcome the effects of previous
21 allegedly deceptive or misleading advertising.

22 (c) A cease and desist order takes effect immediately
23 upon issuance and remains in effect until the commission takes
24 final agency action.

25 (d) The commission shall adopt rules to direct
26 procedures by which an affected party is entitled to a formal
27 or informal review of a cease and desist order and may request
28 the commission or the Division of Administrative Hearings to
29 modify or abate a cease and desist order. If a party is
30 aggrieved by a cease and desist order after seeking to have
31 the order abated or modified, the party may seek interlocutory

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1 judicial review by the appropriate district court of appeal
2 pursuant to the applicable rules of appellate procedure.

3 (e) In addition to or in lieu of any remedy provided
4 in this section, the commission may seek the imposition of a
5 civil penalty through the circuit court for any violation for
6 which the commission may issue a notice to cease and desist
7 under this section.

8 (8) The commission shall adopt rules to identify
9 grounds for imposing disciplinary actions, which must include
10 at least the following grounds:

11 (a) Attempting to obtain action from the commission by
12 fraudulent misrepresentation, bribery, or through an error of
13 the commission.

14 (b) Action against a license or operation imposed
15 under the authority of another state, territory, or country.

16 (c) Delegating professional responsibilities to a
17 person who is not qualified by training, experience, or
18 licensure to perform the responsibilities.

19 (d) False, deceptive, or misleading advertising.

20 (e) Conspiring to coerce, intimidate, or preclude
21 another licensee from lawfully advertising his or her
22 services.

23 Section 262. Section 1005.39, Florida Statutes, is
24 created to read:

25 1005.39 Continuing education and training for
26 administrators and faculty.--

27 (1) The commission is authorized to ensure that the
28 administrators of licensed institutions are qualified to
29 conduct the operations of their respective positions and to
30 require such administrators and faculty to receive continuing
31 education and training as adopted by rule of the commission.

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1 The positions for which the commission may review
2 qualifications and require continuing education and training
3 may include the positions of chief administrator or officer,
4 director of education or training, placement director,
5 admissions director, and financial aid director and faculty
6 members.

7 (2) The training of each administrator and faculty
8 member shall be the type of training necessary to assure
9 compliance with statutes and rules of the commission and the
10 State Board of Education and with those of other state or
11 federal agencies in relation to the responsibilities of the
12 respective positions.

13 (3) The commission shall adopt general qualifications
14 for each of the respective positions and establish guidelines
15 for the minimum amount and type of continuing education and
16 training to be required. The continuing education and training
17 may be provided by the commission, appropriate state or
18 federal agencies, or professional organizations familiar with
19 the requirements of the particular administrative positions.
20 The actual curricula should be left to the discretion of those
21 agencies and organizations.

22 (4) Evidence of the administrator's and faculty
23 member's compliance with the continuing education and training
24 requirements established by the commission may be included in
25 the initial and renewal application forms provided by the
26 commission. Actual records of the continuing education and
27 training received by administrators and faculty shall be
28 maintained at the institution and available for inspection at
29 all times.

30 (5) Qualifications of administrators and faculty in
31 their respective fields, as well as continuing education and

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1 training, may be established by the commission as a condition
2 of an application for licensure by a new institution or for
3 renewal of a license.

4 Section 263. Chapter 1006, Florida Statutes, shall be
5 entitled "Support for Learning" and shall consist of ss.
6 1006.02-1006.71.

7 Section 264. Part I of chapter 1006, Florida Statutes,
8 shall be entitled "Public K-12 Education Support for Learning
9 and Student Services" and shall consist of ss.
10 1006.02-1006.27.

11 Section 265. Part I.a. of chapter 1006, Florida
12 Statutes, shall be entitled "Learning Services Generally" and
13 shall consist of ss. 1006.02-1006.04.

14 Section 266. Section 1006.02, Florida Statutes, is
15 created to read:

16 1006.02 Provision of information to students and
17 parents regarding school-to-work transition.--

18 (1) All public K-12 schools shall document the manner
19 in which they have prepared students to enter the workforce,
20 including information regarding the provision of accurate,
21 timely career and curricular counseling to students. This
22 information shall include a delineation of available career
23 opportunities, educational requirements associated with each
24 career, educational institutions that prepare students to
25 enter each career, and student financial aid available to
26 enable students to pursue any postsecondary instruction
27 required to enter that career. This information shall also
28 delineate school procedures for identifying individual student
29 interests and aptitudes which enable students to make informed
30 decisions about the curriculum that best addresses their
31 individual interests and aptitudes while preparing them to

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1 enroll in postsecondary education and enter the workforce.
2 This information shall include recommended high school
3 coursework that prepares students for success in college-level
4 work. The information shall be made known to parents and
5 students annually through inclusion in the school's handbook,
6 manual, or similar documents or other communications regularly
7 provided to parents and students.

8 (2) The information required by this section shall
9 delineate the availability of applied instruction that uses
10 concrete, real-world examples to elicit demonstrated student
11 competence comparable to the student performance standards
12 delineated for corresponding traditional college-preparatory
13 courses, and shall also delineate the support services
14 available for students who need assistance to successfully
15 complete instruction necessary to enroll in postsecondary
16 education or enter the workforce.

17 (3) The information required by this section shall
18 delineate the availability of instruction that enables
19 students to acquire the technical skills associated with
20 specific clusters of occupations as well as employability
21 skills that apply to most occupations, and shall describe and
22 identify the availability of workplace-based learning
23 experiences. Any school that conducts secondary career
24 education programs shall identify any agreements through which
25 each program articulates into corresponding postsecondary
26 programs.

27 (4) Prior to each student's graduation from high
28 school, the school shall assess the student's preparation to
29 enter the workforce, in accordance with the commissioner's
30 identification of the employability skills associated with
31 successful entry into the workforce, and shall provide the

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1 student and the student's parent or guardian with the results
2 of this assessment.

3 Section 267. Section 1006.03, Florida Statutes, is
4 created to read:

5 1006.03 Diagnostic and learning resource centers.--

6 (1) The department shall maintain regional diagnostic
7 and learning resource centers for exceptional students, to
8 assist in the provision of medical, physiological,
9 psychological, and educational testing and other services
10 designed to evaluate and diagnose exceptionalities, to make
11 referrals for necessary instruction and services, and to
12 facilitate the provision of instruction and services to
13 exceptional students. The department shall cooperate with the
14 Department of Children and Family Services in identifying
15 service needs and areas.

16 (2) Within its identified service area, each regional
17 center shall:

18 (a) Provide assistance to parents, teachers, and other
19 school personnel and community organizations in locating and
20 identifying exceptional children and planning educational
21 programs for them.

22 (b) Assist in the provision of services for
23 exceptional children, using to the maximum, but not
24 supplanting, the existing facilities and services of each
25 district.

26 (c) Provide orientation meetings at least annually for
27 teachers, principals, supervisors, and community agencies to
28 familiarize them with center facilities and services for
29 exceptional children.

30 (d) Plan, coordinate, and assist in the implementation
31 of inservice training programs, consistent with each

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1 district's program of staff development, for the development
2 and updating of attitudes, skills, and instructional practices
3 and procedures necessary to the education of exceptional
4 children.

5 (e) Assist districts in the identification, selection,
6 acquisition, use, and evaluation of media and materials
7 appropriate to the implementation of instructional programs
8 based on individual educational plans for exceptional
9 children.

10 (f) Provide for the dissemination and diffusion of
11 significant information and promising practices derived from
12 educational research, demonstration, and other projects.

13 (g) Assist in the delivery, modification, and
14 integration of instructional technology, including
15 microcomputer applications and adaptive and assistive devices,
16 appropriate to the unique needs of exceptional students.

17 (3) Diagnostic and resource centers may provide
18 testing and evaluation services to private school students and
19 other children who are not enrolled in public schools.

20 (4) Diagnostic and learning resource centers may
21 assist districts in providing testing and evaluation services
22 for infants and preschool children with or at risk of
23 developing disabilities, and may assist districts in providing
24 interdisciplinary training and resources to parents of infants
25 and preschool children with or at risk of developing
26 disabilities and to school readiness programs.

27 Section 268. Section 1006.035, Florida Statutes, is
28 created to read:

29 1006.035 Dropout reentry and mentor project.--

30 (1) There is created a dropout reentry and mentor
31 project to be coordinated on a pilot basis by the Florida

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1 Agricultural and Mechanical University National Alumni
2 Association and implemented in Tallahassee, Jacksonville,
3 Daytona Beach, and Miami.

4 (2) The project shall identify 15 black students in
5 each location who have dropped out of high school but were not
6 encountering academic difficulty when they left school.
7 Students chosen to participate may not have a high school
8 diploma, be enrolled in an adult general education program
9 which includes a GED program or an adult high school, or be
10 enrolled in a technical school. Students may be employed but
11 must be able to adjust their work schedules to accommodate
12 classes and project sessions. Priority must be given to
13 students who have dropped out of school within the last 3
14 years.

15 (3) In identifying participants, the following factors
16 must be considered:

17 (a) The student's performance in school before
18 dropping out.

19 (b) The student's performance on aptitude and
20 achievement tests.

21 (c) The student's desire to reenter school.

22 (4) In each of the four locations, the project shall
23 identify 15 high-achieving minority students to serve as
24 one-on-one mentors to the students who are being reentered in
25 school. An alumnus of Bethune-Cookman College, Florida
26 Memorial College, Edward Waters College, or Florida
27 Agricultural and Mechanical University shall be assigned to
28 each pair of students. Student mentors and alumni must serve
29 as role models and resource people for the students who are
30 being reentered in school.

31 (5) Selected project participants shall be evaluated

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1 and enrolled in a GED program, regular high school, technical
2 school, or alternative school. In conjunction with school
3 guidance personnel, project staff shall design a supplemental
4 program to reinforce basic skills, provide additional
5 counseling, and offer tutorial assistance. Weekly, project
6 staff shall monitor students' attendance, performance,
7 homework, and attitude toward school.

8 (6) The project shall use tests to identify students'
9 interests and academic weaknesses. Based on the test results,
10 an individualized study program shall be developed for each
11 reentry student.

12 (7) The 15 alumni at each location must meet with
13 their assigned reentry students and high achievers, together,
14 at least once per week. All reentry students must meet as a
15 group at least once per week for structured, organized
16 activities that include instruction in test-taking skills,
17 positive attitude, coping, study habits, budgeting time,
18 setting goals, career choices, homework assistance, and
19 conflict resolution.

20 (8) Followup interviews with both the reentry students
21 and high achievers must be conducted after 1 year to determine
22 the project's impact.

23 Section 269. Section 1006.04, Florida Statutes, is
24 created to read:

25 1006.04 Educational multiagency services for students
26 with severe emotional disturbance.--

27 (1)(a) An intensive, integrated educational program; a
28 continuum of mental health treatment services; and, when
29 needed, residential services are necessary to enable students
30 with severe emotional disturbance to develop appropriate
31 behaviors and demonstrate academic and career education

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1 skills. The small incidence of severe emotional disturbance in
2 the total school population requires multiagency programs to
3 provide access to appropriate services for all students with
4 severe emotional disturbance. District school boards should
5 provide educational programs, and state departments and
6 agencies administering children's mental health funds should
7 provide mental health treatment and residential services when
8 needed, forming a multiagency network to provide support for
9 students with severe emotional disturbance.

10 (b) The program goals for each component of the
11 multiagency network are to enable students with severe
12 emotional disturbance to learn appropriate behaviors, reduce
13 dependency, and fully participate in all aspects of school and
14 community living; to develop individual programs for students
15 with severe emotional disturbance, including necessary
16 educational, residential, and mental health treatment
17 services; to provide programs and services as close as
18 possible to the student's home in the least restrictive manner
19 consistent with the student's needs; and to integrate a wide
20 range of services necessary to support students with severe
21 emotional disturbance and their families.

22 (2) The department may award grants to district school
23 boards for statewide planning and development of the
24 multiagency network for students with severe emotional
25 disturbance. The educational services shall be provided in a
26 manner consistent with the requirements of ss. 1003.57 and
27 402.22.

28 (3) State departments and agencies may use appropriate
29 funds for the multiagency network for students with severe
30 emotional disturbance.

31 Section 270. Part I.b. of chapter 1006, Florida

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1 Statutes, shall be entitled "Student Food and Health Services"
2 and shall consist of ss. 1006.06-1006.063.

3 Section 271. Section 1006.06, Florida Statutes, is
4 created to read:

5 1006.06 School food service programs.--

6 (1) In recognition of the demonstrated relationship
7 between good nutrition and the capacity of students to develop
8 and learn, it is the policy of the state to provide standards
9 for school food service and to require district school boards
10 to establish and maintain an appropriate private school food
11 service program consistent with the nutritional needs of
12 students.

13 (2) The State Board of Education shall adopt rules
14 covering the administration and operation of the school food
15 service programs.

16 (3) Each district school board shall consider the
17 recommendations of the district school superintendent and
18 adopt policies to provide for an appropriate food and
19 nutrition program for students consistent with federal law and
20 State Board of Education rule.

21 (4) The state shall provide the state National School
22 Lunch Act matching requirements. The funds provided shall be
23 distributed in such a manner as to comply with the
24 requirements of the National School Lunch Act.

25 (5)(a) Each district school board shall implement
26 school breakfast programs in all elementary schools that make
27 breakfast available to all students in kindergarten through
28 grade 6 in each district school, unless the elementary school
29 goes only through grade 5, in which case the requirement shall
30 apply only through grade 5. Each district school board shall
31 implement breakfast programs in all elementary schools in

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1 which students are eligible for free and reduced price lunch
2 meals, to the extent specifically funded in the General
3 Appropriations Act. A district school board may operate a
4 breakfast program providing for food preparation at the school
5 site or in central locations with distribution to designated
6 satellite schools or any combination thereof.

7 (b) The commissioner shall make every reasonable
8 effort to ensure that any school designated a "severe need
9 school" receives the highest rate of reimbursement to which it
10 is entitled pursuant to 42 U.S.C. s. 1773 for each free and
11 reduced price breakfast served.

12 (c) The department shall calculate and distribute a
13 school district breakfast supplement for each school year by
14 multiplying the state breakfast rate as specified in the
15 General Appropriations Act by the number of free and reduced
16 price breakfast meals served.

17 (d) The Legislature shall provide sufficient funds in
18 the General Appropriations Act to reimburse participating
19 school districts for the difference between the average
20 federal reimbursement for free and reduced price breakfasts
21 and the average statewide cost for breakfasts.

22 Section 272. Section 1006.0605, Florida Statutes, is
23 created to read:

24 1006.0605 Students' summer nutrition.--

25 (1) Each district school superintendent shall report
26 to the department any activity or initiative that provides
27 access to a food service program during school vacation
28 periods of over 2 weeks to students who are eligible for free
29 or reduced-price meals. The report shall include any
30 developed or implemented plans for how the school district
31 will sponsor, host, or vend the federal Summer Food Service

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1 Program.

2 (2) The district school superintendent shall submit
3 the report to the department by February 1, 2004. Prior to
4 submitting the report to the department, the district school
5 superintendent shall report this information to the district
6 school board.

7 (3) By March 1, 2004, the department shall submit to
8 the President of the Senate, the Speaker of the House of
9 Representatives, the chairs of the education committees in the
10 Senate and the House of Representatives, and the State Board
11 of Education a report compiling the school district
12 information.

13 Section 273. Section 1006.061, Florida Statutes, is
14 created to read:

15 1006.061 Child abuse, abandonment, and neglect
16 policy.--Each district school board shall:

17 (1) Post in a prominent place in each school a notice
18 that, pursuant to chapter 39, all employees and agents of the
19 district school board have an affirmative duty to report all
20 actual or suspected cases of child abuse, abandonment, or
21 neglect; have immunity from liability if they report such
22 cases in good faith; and have a duty to comply with child
23 protective investigations and all other provisions of law
24 relating to child abuse, abandonment, and neglect. The notice
25 shall also include the statewide toll-free telephone number of
26 the central abuse hotline.

27 (2) Require the district school superintendent, or the
28 superintendent's designee, at the request of the Department of
29 Children and Family Services, to act as a liaison to the
30 Department of Children and Family Services and the child
31 protection team, as defined in s. 39.01, when in a case of

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1 suspected child abuse, abandonment, or neglect or an unlawful
2 sexual offense involving a child the case is referred to such
3 a team; except that this does not relieve or restrict the
4 Department of Children and Family Services from discharging
5 its duty and responsibility under the law to investigate and
6 report every suspected or actual case of child abuse,
7 abandonment, or neglect or unlawful sexual offense involving a
8 child.

9 Section 274. Section 1006.062, Florida Statutes, is
10 created to read:

11 1006.062 Administration of medication and provision of
12 medical services by district school board personnel.--

13 (1) Notwithstanding the provisions of the Nurse
14 Practice Act, part I of chapter 464, district school board
15 personnel may assist students in the administration of
16 prescription medication when the following conditions have
17 been met:

18 (a) Each district school board shall include in its
19 approved school health services plan a procedure to provide
20 training, by a registered nurse, a licensed practical nurse, 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, to the school personnel designated by the school
24 principal to assist students in the administration of
25 prescribed medication. Such training may be provided in
26 collaboration with other school districts, through contract
27 with an education consortium, or by any other arrangement
28 consistent with the intent of this subsection.

29 (b) Each district school board shall adopt policies
30 and procedures governing the administration of prescription
31 medication by district school board personnel. The policies

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1 and procedures shall include, but not be limited to, the
2 following provisions:

3 1. For each prescribed medication, the student's
4 parent shall provide to the school principal a written
5 statement which grants to the school principal or the
6 principal's designee permission to assist in the
7 administration of such medication and which explains the
8 necessity for the medication to be provided during the school
9 day, including any occasion when the student is away from
10 school property on official school business. The school
11 principal or the principal's trained designee shall assist the
12 student in the administration of the medication.

13 2. Each prescribed medication to be administered by
14 district school board personnel shall be received, counted,
15 and stored in its original container. When the medication is
16 not in use, it shall be stored in its original container in a
17 secure fashion under lock and key in a location designated by
18 the school principal.

19 (2) There shall be no liability for civil damages as a
20 result of the administration of the medication when the person
21 administering the medication acts as an ordinarily reasonably
22 prudent person would have acted under the same or similar
23 circumstances.

24 (3) Nonmedical district school board personnel shall
25 not be allowed to perform invasive medical services that
26 require special medical knowledge, nursing judgment, and
27 nursing assessment, including, but not limited to:

28 (a) Sterile catheterization.

29 (b) Nasogastric tube feeding.

30 (c) Cleaning and maintaining a tracheostomy and deep
31 suctioning of a tracheostomy.

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1 (4) Nonmedical assistive personnel shall be allowed to
2 perform health-related services upon successful completion of
3 child-specific training by a registered nurse or advanced
4 registered nurse practitioner licensed under chapter 464, a
5 physician licensed pursuant to chapter 458 or chapter 459, or
6 a physician assistant licensed pursuant to chapter 458 or
7 chapter 459. All procedures shall be monitored periodically
8 by a nurse, advanced registered nurse practitioner, physician
9 assistant, or physician, including, but not limited to:

10 (a) Intermittent clean catheterization.

11 (b) Gastrostomy tube feeding.

12 (c) Monitoring blood glucose.

13 (d) Administering emergency injectable medication.

14 (5) For all other invasive medical services not listed
15 in this subsection, a registered nurse or advanced registered
16 nurse practitioner licensed under chapter 464, a physician
17 licensed pursuant to chapter 458 or chapter 459, or a
18 physician assistant licensed pursuant to chapter 458 or
19 chapter 459 shall determine if nonmedical district school
20 board personnel shall be allowed to perform such service.

21 (6) Each district school board shall establish
22 emergency procedures in accordance with s. 381.0056(5) for
23 life-threatening emergencies.

24 (7) District school board personnel shall not refer
25 students to or offer students at school facilities
26 contraceptive services without the consent of a parent or
27 legal guardian. To the extent that this paragraph conflicts
28 with any provision of chapter 381, the provisions of chapter
29 381 control.

30 Section 275. Section 1006.063, Florida Statutes, is
31 created to read:

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1 1006.063 Eye-protective devices required in certain
2 laboratory courses.--

3 (1) Eye-protective devices shall be worn by students,
4 teachers, and visitors in courses including, but not limited
5 to, chemistry, physics, or chemical-physical laboratories, at
6 any time at which the individual is engaged in or observing an
7 activity or the use of hazardous substances likely to cause
8 injury to the eyes. Activity or the use of hazardous
9 substances likely to cause injury to the eye includes:

10 (a) Heat treatment; tempering or kiln firing of any
11 metal or other materials;

12 (b) Working with caustic or explosive materials; or

13 (c) Working with hot liquids or solids, including
14 chemicals which are flammable, caustic, toxic, or irritating.

15 (2) District school boards shall furnish plano safety
16 glasses or devices for students, may provide such glasses to
17 teachers, and shall furnish such equipment for all visitors to
18 such classrooms or laboratories, or may purchase such plano
19 safety glasses or devices in large quantities and sell them at
20 cost to students and teachers, but shall not purchase,
21 furnish, or dispense prescription glasses or lenses.

22 Section 276. Part I.c. of chapter 1006, Florida
23 Statutes, shall be entitled "Student Discipline and School
24 Safety" and shall consist of ss. 1006.07-1006.145.

25 Section 277. Section 1006.07, Florida Statutes, is
26 created to read:

27 1006.07 District school board duties relating to
28 student discipline and school safety.--The district school
29 board shall provide for the proper accounting for all
30 students, for the attendance and control of students at
31 school, and for proper attention to health, safety, and other

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1 matters relating to the welfare of students, including:
2 (1) CONTROL OF STUDENTS.--
3 (a) Adopt rules for the control, discipline, in-school
4 suspension, suspension, and expulsion of students and decide
5 all cases recommended for expulsion. Suspension hearings are
6 exempted from the provisions of chapter 120. Expulsion
7 hearings shall be governed by ss. 120.569 and 120.57(2) and
8 are exempt from s. 286.011. However, the student's parent must
9 be given notice of the provisions of s. 286.011 and may elect
10 to have the hearing held in compliance with that section. The
11 district school board may prohibit the use of corporal
12 punishment, if the district school board adopts or has adopted
13 a written program of alternative control or discipline.
14 (b) Require each student at the time of initial
15 registration for school in the school district to note
16 previous school expulsions, arrests resulting in a charge, and
17 juvenile justice actions the student has had, and have the
18 authority as the district school board of a receiving school
19 district to honor the final order of expulsion or dismissal of
20 a student by any in-state or out-of-state public district
21 school board or private school, or lab school, for an act
22 which would have been grounds for expulsion according to the
23 receiving district school board's code of student conduct, in
24 accordance with the following procedures:
25 1. A final order of expulsion shall be recorded in the
26 records of the receiving school district.
27 2. The expelled student applying for admission to the
28 receiving school district shall be advised of the final order
29 of expulsion.
30 3. The district school superintendent of the receiving
31 school district may recommend to the district school board

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1 that the final order of expulsion be waived and the student be
2 admitted to the school district, or that the final order of
3 expulsion be honored and the student not be admitted to the
4 school district. If the student is admitted by the district
5 school board, with or without the recommendation of the
6 district school superintendent, the student may be placed in
7 an appropriate educational program at the direction of the
8 district school board.

9 (2) CODE OF STUDENT CONDUCT.--Adopt a code of student
10 conduct for elementary schools and a code of student conduct
11 for middle and high schools and distribute the appropriate
12 code to all teachers, school personnel, students, and parents,
13 at the beginning of every school year. Each code shall be
14 organized and written in language that is understandable to
15 students and parents and shall be discussed at the beginning
16 of every school year in student classes, school advisory
17 council meetings, and parent and teacher association or
18 organization meetings. Each code shall be based on the rules
19 governing student conduct and discipline adopted by the
20 district school board and shall be made available in the
21 student handbook or similar publication. Each code shall
22 include, but is not limited to:

23 (a) Consistent policies and specific grounds for
24 disciplinary action, including in-school suspension,
25 out-of-school suspension, expulsion, and any disciplinary
26 action that may be imposed for the possession or use of
27 alcohol on school property or while attending a school
28 function or for the illegal use, sale, or possession of
29 controlled substances as defined in chapter 893.

30 (b) Procedures to be followed for acts requiring
31 discipline, including corporal punishment.

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1 (c) An explanation of the responsibilities and rights
2 of students with regard to attendance, respect for persons and
3 property, knowledge and observation of rules of conduct, the
4 right to learn, free speech and student publications,
5 assembly, privacy, and participation in school programs and
6 activities.

7 (d) Notice that illegal use, possession, or sale of
8 controlled substances, as defined in chapter 893, or
9 possession of electronic telephone pagers, by any student
10 while the student is upon school property or in attendance at
11 a school function is grounds for disciplinary action by the
12 school and may also result in criminal penalties being
13 imposed.

14 (e) Notice that the possession of a firearm or weapon
15 ad defined in chapter 790 by any student while the student is
16 on school property or in attendance at a school function is
17 grounds for disciplinary action and may also result in
18 criminal prosecution.

19 (f) Notice that violence against any district school
20 board personnel by a student is grounds for in-school
21 suspension, out-of-school suspension, expulsion, or imposition
22 of other disciplinary action by the school and may also result
23 in criminal penalties being imposed.

24 (g) Notice that violation of district school board
25 transportation policies, including disruptive behavior on a
26 school bus or at a school bus stop, by a student is grounds
27 for suspension of the student's privilege of riding on a
28 school bus and may be grounds for disciplinary action by the
29 school and may also result in criminal penalties being
30 imposed.

31 (h) Notice that violation of the district school

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1 board's sexual harassment policy by a student is grounds for
2 in-school suspension, out-of-school suspension, expulsion, or
3 imposition of other disciplinary action by the school and may
4 also result in criminal penalties being imposed.

5 (i) Policies to be followed for the assignment of
6 violent or disruptive students to an alternative educational
7 program.

8 (j) Notice that any student who is determined to have
9 brought a firearm or weapon, as defined in chapter 790, to
10 school, to any school function, or onto any school-sponsored
11 transportation, or to have possessed a firearm at school, will
12 be 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 referred to the criminal justice or
15 juvenile justice system; provided, however, that nothing
16 herein shall require the district school board to apply such
17 requirements to a firearm or weapon that is lawfully stored in
18 a locked vehicle on school property, or for activities
19 approved and authorized by the district school board when the
20 board has adopted appropriate safeguards to ensure student
21 safety. District school boards may assign the student to a
22 disciplinary program or second chance school for the purpose
23 of continuing educational services during the period of
24 expulsion. District school superintendents may consider the
25 1-year expulsion requirement on a case-by-case basis and
26 request the district school board to modify the requirement by
27 assigning the student to a disciplinary program or second
28 chance school if the request for modification is in writing
29 and it is determined to be in the best interest of the student
30 and the school system.

31 (k) Notice that any student who is determined to have

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1 made a threat or false report, as defined by ss. 790.162 and
2 790.163, respectively, involving school or school personnel's
3 property, school transportation, or a school-sponsored
4 activity will be expelled, with or without continuing
5 educational services, from the student's regular school for a
6 period of not less than 1 full year and referred for criminal
7 prosecution. District school boards may assign the student to
8 a disciplinary program or second chance school for the purpose
9 of continuing educational services during the period of
10 expulsion. District school superintendents may consider the
11 1-year expulsion requirement on a case-by-case basis and
12 request the district school board to modify the requirement by
13 assigning the student to a disciplinary program or second
14 chance school if it is determined to be in the best interest
15 of the student and the school system.

16 (3) STUDENT CRIME WATCH PROGRAM.--By resolution of the
17 district school board, implement a student crime watch program
18 to promote responsibility among students and to assist in the
19 control of criminal behavior within the schools.

20 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.--

21 (a) Formulate and prescribe policies and procedures
22 for emergency drills and for actual emergencies, including,
23 but not limited to, fires, natural disasters, and bomb
24 threats, for all the public schools of the district which
25 comprise grades K-12. District school board policies shall
26 include commonly used alarm system responses for specific
27 types of emergencies and verification by each school that
28 drills have been provided as required by law and fire
29 protection codes.

30 (b) The district school board shall establish model
31 emergency management and emergency preparedness procedures for

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1 the following life-threatening emergencies:

2 1. Weapon-use and hostage situations.

3 2. Hazardous materials or toxic chemical spills.

4 3. Weather emergencies, including hurricanes,

5 tornadoes, and severe storms.

6 4. Exposure as a result of a manmade emergency.

7 (5) EDUCATIONAL SERVICES IN DETENTION

8 FACILITIES.--Offer educational services to minors who have not

9 graduated from high school and eligible students with

10 disabilities under the age of 22 who have not graduated with a

11 standard diploma or its equivalent who are detained in a

12 county or municipal detention facility as defined in s.

13 951.23. These educational services shall be based upon the

14 estimated length of time the student will be in the facility

15 and the student's current level of functioning. District

16 school superintendents or their designees shall be notified by

17 the county sheriff or chief correctional officer, or his or

18 her designee, upon the assignment of a student under the age

19 of 21 to the facility. A cooperative agreement with the

20 district school board and applicable law enforcement units

21 shall be developed to address the notification requirement and

22 the provision of educational services to these students.

23 (6) SAFETY AND SECURITY BEST PRACTICES.--Use the

24 Safety and Security Best Practices developed by the Office of

25 Program Policy Analysis and Government Accountability to

26 conduct a self-assessment of the school districts' current

27 safety and security practices. Based on these self-assessment

28 findings, the district school superintendent shall provide

29 recommendations to the district school board which identify

30 strategies and activities that the district school board

31 should implement in order to improve school safety and

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1 security. Annually each district school board must receive the
2 self-assessment results at a publicly noticed district school
3 board meeting to provide the public an opportunity to hear the
4 district school board members discuss and take action on the
5 report findings. Each district school superintendent shall
6 report the self-assessment results and school board action to
7 the commissioner within 30 days after the district school
8 board meeting.

9 Section 278. Section 1006.08, Florida Statutes, is
10 created to read:

11 1006.08 District school superintendent duties relating
12 to student discipline and school safety.--

13 (1) The district school superintendent shall recommend
14 plans to the district school board for the proper accounting
15 for all students of school age, for the attendance and control
16 of students at school, for the proper attention to health,
17 safety, and other matters which will best promote the welfare
18 of students. When the district school superintendent makes a
19 recommendation for expulsion to the district school board, he
20 or she shall give written notice to the student and the
21 student's parent of the recommendation, setting forth the
22 charges against the student and advising the student and his
23 or her parent of the student's right to due process as
24 prescribed by ss. 120.569 and 120.57(2). When district school
25 board action on a recommendation for the expulsion of a
26 student is pending, the district school superintendent may
27 extend the suspension assigned by the principal beyond 10
28 school days if such suspension period expires before the next
29 regular or special meeting of the district school board.

30 (2) Notwithstanding the provisions of s. 985.04(4) or
31 any other provision of law to the contrary, the court shall,

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1 within 48 hours of the finding, notify the appropriate
2 district school superintendent of the name and address of any
3 student found to have committed a delinquent act, or who has
4 had adjudication of a delinquent act withheld which, if
5 committed by an adult, would be a felony, or the name and
6 address of any student found guilty of a felony. Notification
7 shall include the specific delinquent act found to have been
8 committed or for which adjudication was withheld, or the
9 specific felony for which the student was found guilty.
10 (3) Except to the extent necessary to protect the
11 health, safety, and welfare of other students, the information
12 obtained by the district school superintendent pursuant to
13 this section may be released only to appropriate school
14 personnel or as otherwise provided by law.
15 Section 279. Section 1006.09, Florida Statutes, is
16 created to read:
17 1006.09 Duties of school principal relating to student
18 discipline and school safety.--
19 (1)(a) Subject to law and to the rules of the State
20 Board of Education and the district school board, the
21 principal in charge of the school or the principal's designee
22 shall develop policies for delegating to any teacher or other
23 member of the instructional staff or to any bus driver
24 transporting students of the school responsibility for the
25 control and direction of students. The principal or the
26 principal's designee shall consider the recommendation for
27 discipline made by a teacher, other member of the
28 instructional staff, or a bus driver when making a decision
29 regarding student referral for discipline.
30 (b) The principal or the principal's designee may
31 suspend a student only in accordance with the rules of the

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1 district school board. The principal or the principal's
2 designee shall make a good faith effort to immediately inform
3 a student's parent by telephone of a student's suspension and
4 the reasons for the suspension. Each suspension and the
5 reasons for the suspension shall be reported in writing within
6 24 hours to the student's parent by United States mail. Each
7 suspension and the reasons for the suspension shall also be
8 reported in writing within 24 hours to the district school
9 superintendent. A good faith effort shall be made by the
10 principal or the principal's designee to employ parental
11 assistance or other alternative measures prior to suspension,
12 except in the case of emergency or disruptive conditions which
13 require immediate suspension or in the case of a serious
14 breach of conduct as defined by rules of the district school
15 board. Such rules shall require oral and written notice to the
16 student of the charges and an explanation of the evidence
17 against him or her prior to the suspension. Each student shall
18 be given an opportunity to present his or her side of the
19 story. No student shall be suspended for unexcused tardiness,
20 lateness, absence, or truancy. The principal or the
21 principal's designee may suspend any student transported to or
22 from school at public expense from the privilege of riding on
23 a school bus for violation of district school board
24 transportation policies, which shall include a policy
25 regarding behavior at school bus stops, and the principal or
26 the principal's designee shall give notice in writing to the
27 student's parent and to the district school superintendent
28 within 24 hours. School personnel shall not be held legally
29 responsible for suspensions of students made in good faith.

30 (c) The principal or the principal's designee may
31 recommend to the district school superintendent the expulsion

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1 of any student who has committed a serious breach of conduct,
2 including, but not limited to, willful disobedience, open
3 defiance of authority of a member of his or her staff,
4 violence against persons or property, or any other act which
5 substantially disrupts the orderly conduct of the school. A
6 recommendation of expulsion or assignment to a second chance
7 school may also be made for any student found to have
8 intentionally made false accusations that jeopardize the
9 professional reputation, employment, or professional
10 certification of a teacher or other member of the school
11 staff, according to the district school board code of student
12 conduct. Any recommendation of expulsion shall include a
13 detailed report by the principal or the principal's designated
14 representative on the alternative measures taken prior to the
15 recommendation of expulsion.

16 (d) The principal or the principal's designee shall
17 include an analysis of suspensions and expulsions in the
18 annual report of school progress.

19 (2) Suspension proceedings, pursuant to rules of the
20 State Board of Education, may be initiated against any
21 enrolled student who is formally charged with a felony, or
22 with a delinquent act which would be a felony if committed by
23 an adult, by a proper prosecuting attorney for an incident
24 which allegedly occurred on property other than public school
25 property, if that incident is shown, in an administrative
26 hearing with notice provided to the parents of the student by
27 the principal of the school pursuant to rules adopted by the
28 State Board of Education and to rules developed pursuant to s.
29 1001.54, to have an adverse impact on the educational program,
30 discipline, or welfare in the school in which the student is
31 enrolled. Any student who is suspended as the result of such

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1 proceedings may be suspended from all classes of instruction
2 on public school grounds during regular classroom hours for a
3 period of time, which may exceed 10 days, as determined by the
4 district school superintendent. The suspension shall not
5 affect the delivery of educational services to the student,
6 and the student shall be immediately enrolled in a daytime
7 alternative education program, or an evening alternative
8 education program, where appropriate. If the court determines
9 that the student did commit the felony or delinquent act which
10 would have been a felony if committed by an adult, the
11 district school board may expel the student, provided that
12 expulsion under this subsection shall not affect the delivery
13 of educational services to the student in any residential,
14 nonresidential, alternative, daytime, or evening program
15 outside of the regular school setting. Any student who is
16 subject to discipline or expulsion for unlawful possession or
17 use of any substance controlled under chapter 893 may be
18 entitled to a waiver of the discipline or expulsion:

19 (a) If the student divulges information leading to the
20 arrest and conviction of the person who supplied the
21 controlled substance to him or her, or if the student
22 voluntarily discloses his or her unlawful possession of the
23 controlled substance prior to his or her arrest. Any
24 information divulged which leads to arrest and conviction is
25 not admissible in evidence in a subsequent criminal trial
26 against the student divulging the information.

27 (b) If the student commits himself or herself, or is
28 referred by the court in lieu of sentence, to a state-licensed
29 drug abuse program and successfully completes the program.

30 (3) A student may be disciplined or expelled for
31 unlawful possession or use of any substance controlled under

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1 chapter 893 upon the third violation of this provision.
2 (4) When a student has been the victim of a violent
3 crime perpetrated by another student who attends the same
4 school, the school principal shall make full and effective use
5 of the provisions of ss. 1006.09(2) and 1006.13(5). A school
6 principal who fails to comply with this subsection shall be
7 ineligible for any portion of the performance pay policy
8 incentive under s. 1012.22(1)(c). However, if any party
9 responsible for notification fails to properly notify the
10 school, the school principal shall be eligible for the
11 incentive.
12 (5) Any recommendation for the suspension or expulsion
13 of a student with a disability must be made in accordance with
14 rules adopted by the State Board of Education.
15 (6) Each school principal must ensure that
16 standardized forms prescribed by rule of the State Board of
17 Education are used to report data concerning school safety and
18 discipline to the department. The school principal must
19 develop a plan to verify the accuracy of reported incidents.
20 (7) The State Board of Education shall adopt by rule a
21 standardized form to be used by each school principal to
22 report data concerning school safety and discipline.
23 (8) The school principal shall require all school
24 personnel to report to the principal or principal's designee
25 any suspected unlawful use, possession, or sale by a student
26 of any controlled substance, as defined in s. 893.02; any
27 counterfeit controlled substance, as defined in s. 831.31; any
28 alcoholic beverage, as defined in s. 561.01(4); or model glue.
29 School personnel are exempt from civil liability when
30 reporting in good faith to the proper school authority such
31 suspected unlawful use, possession, or sale by a student.

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1 Only a principal or principal's designee is authorized to
2 contact a parent or legal guardian of a student regarding this
3 situation. Reports made and verified under this subsection
4 shall be forwarded to an appropriate agency. The principal or
5 principal's designee shall timely notify the student's parent
6 that a verified report made under this subsection with respect
7 to the student has been made and forwarded.

8 (9) A school principal or a school employee designated
9 by the principal, if she or he has reasonable suspicion that a
10 prohibited or illegally possessed substance or object is
11 contained within a student's locker or other storage area, may
12 search the locker or storage area. The district school board
13 shall require and each school principal shall cause to be
14 posted in each public K-12 school, in a place readily seen by
15 students, a notice stating that a student's locker or other
16 storage area is subject to search, upon reasonable suspicion,
17 for prohibited or illegally possessed substances or objects.
18 This subsection does not prohibit the use of metal detectors
19 or specially trained animals in the course of a search for
20 illegally possessed substances or objects.

21 Section 280. Section 1006.10, Florida Statutes, is
22 created to read:

23 1006.10 Authority of school bus drivers and district
24 school boards relating to student discipline and student
25 safety on school buses.--

26 (1) The school bus driver shall require order and good
27 behavior by all students being transported on school buses.

28 (2) The district school board shall require a system
29 of progressive discipline of transported students for actions
30 which are prohibited by the code of student conduct.

31 Disciplinary actions, including suspension of students from

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1 riding on district school board owned or contracted school
2 buses, shall be subject to district school board policies and
3 procedures and may be imposed by the principal or the
4 principal's designee. The principal or the principal's
5 designee may delegate any disciplinary authority to school bus
6 drivers except for suspension of students from riding the bus.

7 (3) The school bus driver shall control students
8 during the time students are on the school bus, but shall not
9 have such authority when students are waiting at the school
10 bus stop or when students are en route to or from the school
11 bus stop except when the bus is present at the bus stop.

12 (4) If an emergency should develop due to the conduct
13 of students on the bus, the school bus driver may take such
14 steps as are immediately necessary to protect the students on
15 the bus.

16 (5) School bus drivers shall not be required to
17 operate a bus under conditions in which one or more students
18 pose a clear and present danger to the safety of the driver or
19 other students, or the safety of the bus while in operation.
20 The district school board shall have measures in place
21 designed to protect the school bus driver from threats or
22 physical injury from students.

23 (6) District school boards may use transportation,
24 school safety, or FEFP funds to provide added security for
25 buses transporting disruptive or delinquent students to and
26 from school or other educational activities.

27 (7) In the case of a student having engaged in violent
28 or blatantly unsafe actions while riding the school bus, the
29 district school board shall take corrective measures to
30 ensure, to the extent feasible, that such actions are not
31 repeated prior to reassigning the student to the bus.

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1 Section 281. Section 1006.11, Florida Statutes, is
2 created to read:

3 1006.11 Standards for use of reasonable force.--

4 (1) The State Board of Education shall adopt standards
5 for the use of reasonable force by district school board
6 personnel to maintain a safe and orderly learning environment.
7 Such standards shall be distributed to each school in the
8 state and shall provide guidance to district school board
9 personnel in receiving the limitations on liability specified
10 in subsection (2).

11 (2) 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 school bus driver shall not be civilly or
15 criminally liable for any action carried out in conformity
16 with the State Board of Education and district school board
17 rules regarding the control, discipline, suspension, and
18 expulsion of students, including, but not limited to, any
19 exercise of authority under s. 1006.09 or s. 1003.32.

20 Section 282. Section 1006.12, Florida Statutes, is
21 created to read:

22 1006.12 School resource officers and school safety
23 officers.--

24 (1) District school boards may establish school
25 resource officer programs, through a cooperative agreement
26 with law enforcement agencies or in accordance with subsection
27 (2).

28 (a) School resource officers shall be certified law
29 enforcement officers, as defined in s. 943.10(1), who are
30 employed by a law enforcement agency as defined in s.
31 943.10(4). The powers and duties of a law enforcement officer

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1 shall continue throughout the employee's tenure as a school
2 resource officer.

3 (b) School resource officers shall abide by district
4 school board policies and shall consult with and coordinate
5 activities through the school principal, but shall be
6 responsible to the law enforcement agency in all matters
7 relating to employment, subject to agreements between a
8 district school board and a law enforcement agency. Activities
9 conducted by the school resource officer which are part of the
10 regular instructional program of the school shall be under the
11 direction of the school principal.

12 (2)(a) School safety officers shall be law enforcement
13 officers, as defined in s. 943.10(1), certified under the
14 provisions of chapter 943 and employed by either a law
15 enforcement agency or by the district school board. If the
16 officer is employed by the district school board, the district
17 school board is the employing agency for purposes of chapter
18 943, and must comply with the provisions of that chapter.

19 (b) A district school board may commission one or more
20 school safety officers for the protection and safety of school
21 personnel, property, and students within the school district.
22 The district school superintendent may recommend and the
23 district school board may appoint one or more school safety
24 officers.

25 (c) A school safety officer has and shall exercise the
26 power to make arrests for violations of law on district school
27 board property and to arrest persons, whether on or off such
28 property, who violate any law on such property under the same
29 conditions that deputy sheriffs are authorized to make
30 arrests. A school safety officer has the authority to carry
31 weapons when performing his or her official duties.

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1 (d) A district school board may enter into mutual aid
2 agreements with one or more law enforcement agencies as
3 provided in chapter 23. A school safety officer's salary may
4 be paid jointly by the district school board and the law
5 enforcement agency, as mutually agreed to.

6 Section 283. Section 1006.13, Florida Statutes, is
7 created to read:

8 1006.13 Policy of zero tolerance for crime and
9 victimization.--

10 (1) Each district school board shall adopt a policy of
11 zero tolerance for:

12 (a) Crime and substance abuse, including the reporting
13 of delinquent acts and crimes occurring whenever and wherever
14 students are under the jurisdiction of the district school
15 board.

16 (b) Victimization of students, including taking all
17 steps necessary to protect the victim of any violent crime
18 from any further victimization.

19 (2) The zero tolerance policy shall require students
20 found to have committed one of the following offenses to be
21 expelled, with or without continuing educational services,
22 from the student's regular school for a period of not less
23 than 1 full year, and to be referred to the criminal justice
24 or juvenile justice system.

25 (a) Bringing a firearm or weapon, as defined in
26 chapter 790, to school, to any school function, or onto any
27 school-sponsored transportation or possessing a firearm at
28 school; provided, however, that nothing herein shall require
29 the district school board to apply such requirements to a
30 firearm or weapon that is lawfully stored in a locked vehicle
31 on school property, or for activities approved and authorized

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1 by the district school board when the board has adopted
2 appropriate safeguards to ensure student safety.

3 (b) Making a threat or false report, as defined by ss.
4 790.162 and 790.163, respectively, involving school or school
5 personnel's property, school transportation, or a
6 school-sponsored activity.

7
8 District school boards may assign the student to a
9 disciplinary program for the purpose of continuing educational
10 services during the period of expulsion. District school
11 superintendents may consider the 1-year expulsion requirement
12 on a case-by-case basis and request the district school board
13 to modify the requirement by assigning the student to a
14 disciplinary program or second chance school if the request
15 for modification is in writing and it is determined to be in
16 the best interest of the student and the school system. If a
17 student committing any of the offenses in this subsection is a
18 student with a disability, the district school board shall
19 comply with applicable State Board of Education rules.

20 (3) Each district school board shall enter into
21 agreements with the county sheriff's office and local police
22 department specifying guidelines for ensuring that felonies
23 and violent misdemeanors, whether committed by a student or
24 adult, and delinquent acts that would be felonies or violent
25 misdemeanors if committed by an adult, are reported to law
26 enforcement. Each district school board shall adopt a
27 cooperative agreement, pursuant to s. 1003.52(13) with the
28 Department of Juvenile Justice, that specifies guidelines for
29 ensuring that all no contact orders entered by the court are
30 reported and enforced and that all steps necessary are taken
31 to protect the victim of any such crime. Such agreements shall

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1 include the role of school resource officers, if applicable,
2 in handling reported incidents, special circumstances in which
3 school officials may handle incidents without filing a report
4 to law enforcement, and a procedure for ensuring that school
5 personnel properly report appropriate delinquent acts and
6 crimes. The school principal shall be responsible for ensuring
7 that all school personnel are properly informed as to their
8 responsibilities regarding crime reporting, that appropriate
9 delinquent acts and crimes are properly reported, and that
10 actions taken in cases with special circumstances are properly
11 taken and documented.

12 (4) Notwithstanding any other provision of law, each
13 district school board shall adopt rules providing that any
14 student found to have committed a violation of s. 784.081(1),
15 (2), or (3) shall be expelled or placed in an alternative
16 school setting or other program, as appropriate. Upon being
17 charged with the offense, the student shall be removed from
18 the classroom immediately and placed in an alternative school
19 setting pending disposition.

20 (5)(a) Notwithstanding any provision of law
21 prohibiting the disclosure of the identity of a minor,
22 whenever any student who is attending public school is
23 adjudicated guilty of or delinquent for, or is found to have
24 committed, regardless of whether adjudication is withheld, or
25 pleads guilty or nolo contendere to, a felony violation of:

- 26 1. Chapter 782, relating to homicide;
27 2. Chapter 784, relating to assault, battery, and
28 culpable negligence;
29 3. Chapter 787, relating to kidnapping, false
30 imprisonment, luring or enticing a child, and custody
31 offenses;

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1 4. Chapter 794, relating to sexual battery;
2 5. Chapter 800, relating to lewdness and indecent
3 exposure;
4 6. Chapter 827, relating to abuse of children;
5 7. Section 812.13, relating to robbery;
6 8. Section 812.131, relating to robbery by sudden
7 snatching;
8 9. Section 812.133, relating to carjacking; or
9 10. Section 812.135, relating to home-invasion
10 robbery,
11
12 and, before or at the time of such adjudication, withholding
13 of adjudication, or plea, the offender was attending a school
14 attended by the victim or a sibling of the victim of the
15 offense, the Department of Juvenile Justice shall notify the
16 appropriate district school board of the adjudication or plea,
17 the requirements of this paragraph, and whether the offender
18 is prohibited from attending that school or riding on a school
19 bus whenever the victim or a sibling of the victim is
20 attending the same school or riding on the same school bus,
21 except as provided pursuant to a written disposition order
22 under s. 985.23(1)(d). Upon receipt of such notice, the
23 district school board shall take appropriate action to
24 effectuate the provisions of paragraph (b).
25 (b) Any offender described in paragraph (a), who is
26 not exempted as provided in paragraph (a), shall not attend
27 any school attended by the victim or a sibling of the victim
28 of the offense or ride on a school bus on which the victim or
29 a sibling of the victim is riding. The offender shall be
30 permitted by the district school board to attend another
31 school within the district in which the offender resides,

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1 provided the other school is not attended by the victim or
2 sibling of the victim of the offense; or the offender may be
3 permitted by another district school board to attend a school
4 in that district if the offender is unable to attend any
5 school in the district in which the offender resides.

6 (c) If the offender is unable to attend any other
7 school in the district in which the offender resides and is
8 prohibited from attending school in another school district,
9 the district school board in the school district in which the
10 offender resides shall take every reasonable precaution to
11 keep the offender separated from the victim while on school
12 grounds or on school transportation. The steps to be taken by
13 a district school board to keep the offender separated from
14 the victim shall include, but are not limited to, in-school
15 suspension of the offender and the scheduling of classes,
16 lunch, or other school activities of the victim and the
17 offender so as not to coincide.

18 (d) The offender, or the parents of the offender if
19 the offender is a juvenile, shall be responsible for arranging
20 and paying for transportation associated with or required by
21 the offender's attending another school or that would be
22 required as a consequence of the prohibition against riding on
23 a school bus on which the victim or a sibling of the victim is
24 riding. However, the offender or the parents of the offender
25 shall not be charged for existing modes of transportation that
26 can be used by the offender at no additional cost to the
27 district school board.

28 Section 284. Section 1006.14, Florida Statutes, is
29 created to read:

30 1006.14 Secret societies prohibited in public K-12
31 schools.--

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1 (1) It is unlawful for any person, group, or
2 organization to organize or establish a fraternity, sorority,
3 or other secret society whose membership is comprised in whole
4 or in part of students enrolled in any public K-12 school or
5 to go upon any public K-12 school premises for the purpose of
6 soliciting any students to join such an organization.

7 (2) A secret society shall be interpreted to be a
8 fraternity, sorority, or other organization whose active
9 membership is comprised wholly or partly of students enrolled
10 in public K-12 schools and which perpetuates itself wholly or
11 partly by taking in additional members from the students
12 enrolled in public K-12 schools on the basis of the decision
13 of its membership rather than on the right of any student who
14 is qualified by the rules of the school to be a member of and
15 take part in any class or group exercise designated and
16 classified according to gender, subjects included in the
17 course of study, or program of school activities fostered and
18 promoted by the district school board and district school
19 superintendent or by school principals.

20 (3) This section shall not be construed to prevent the
21 establishment of an organization fostered and promoted by
22 school authorities, or approved and accepted by school
23 authorities, and whose membership is selected on the basis of
24 good character, good scholarship, leadership ability, and
25 achievement. Full information regarding the charter,
26 principles, purposes, and conduct of any such accepted
27 organization shall be made available to all students and
28 instructional personnel of the school.

29 (4) This section shall not be construed to relate to
30 any junior organization or society sponsored by the Police
31 Athletic League, Knights of Pythias, Oddfellows, Moose,

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1 Woodmen of the World, Knights of Columbus, Elks, Masons, B'nai
2 B'rith, Young Men's and Young Women's Hebrew Associations,
3 Young Men's and Young Women's Christian Associations, Kiwanis,
4 Rotary, Optimist, Civitan, Exchange Clubs, Florida Federation
5 of Garden Clubs, and Florida Federation of Women's Clubs.

6 (5) It is unlawful for any student enrolled in any
7 public K-12 school to be a member of, to join or to become a
8 member of or to pledge himself or herself to become a member
9 of any secret fraternity, sorority, or group wholly or partly
10 formed from the membership of students attending public K-12
11 schools or to take part in the organization or formation of
12 any such fraternity, sorority, or secret society; provided
13 that this does not prevent any student from belonging to any
14 organization fostered and promoted by the school authorities;
15 or approved and accepted by the school authorities and whose
16 membership is selected on the basis of good character, good
17 scholarship, leadership ability, and achievement.

18 (6) The district school board may enforce the
19 provisions of this section and prescribe and enforce such
20 rules as are necessary. District school boards shall enforce
21 the provisions of this section by suspending or, if necessary,
22 expelling any student in any public K-12 school who violates
23 this section.

24 Section 285. Section 1006.141, Florida Statutes, is
25 created to read:

26 1006.141 Statewide school safety hotline.--

27 (1) The department may contract with the Florida
28 Sheriffs Association to establish and operate a statewide
29 toll-free school safety hotline for the purpose of reporting
30 incidents that affect the safety and well-being of the
31 school's population.

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1 (2) The toll-free school safety hotline is to be a
2 conduit for any person to anonymously report activity that
3 affects the safety and well-being of the school's population.

4 (3) There may not be an award or monetary benefit for
5 reporting an incident through the toll-free school safety
6 hotline.

7 (4) The toll-free school safety hotline shall be
8 operated in a manner that ensures that a designated school
9 official is notified of a complaint received through the
10 hotline if the complaint concerns that school. A complaint
11 that concerns an actionable offense must be reported to the
12 designated official within a reasonable time after the
13 complaint is made. An actionable offense is an incident that
14 could directly affect the safety or well-being of a person or
15 property within a school.

16 (5) If a toll-free school safety hotline is
17 established by contract with the Florida Sheriffs Association,
18 the Florida Sheriffs Association shall produce a quarterly
19 report that evaluates the incidents that have been reported to
20 the hotline. This information may be used to evaluate future
21 school safety educational needs and the need for prevention
22 programs as the district school board considers necessary.

23 Section 286. Section 1006.145, Florida Statutes, is
24 created to read:

25 1006.145 Disturbing school functions; penalty.--Any
26 person not subject to the rules of a school who creates a
27 disturbance on the property or grounds of any school, who
28 commits any act that interrupts the orderly conduct of a
29 school or any activity thereof commits a misdemeanor of the
30 second degree, punishable as provided in s. 775.082 or s.
31 775.083.

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1 Section 287. Part I.d. of chapter 1006, Florida
2 Statutes, shall be entitled "Student Extracurricular
3 Activities and Athletics" and shall consist of ss.
4 1006.15-1006.20.

5 Section 288. Section 1006.15, Florida Statutes, is
6 created to read:

7 1006.15 Student standards for participation in
8 interscholastic extracurricular student activities;
9 regulation.--

10 (1) This section may be cited as the "Craig Dickinson
11 Act."

12 (2) Interscholastic extracurricular student activities
13 are an important complement to the academic curriculum.
14 Participation in a comprehensive extracurricular and academic
15 program contributes to student development of the social and
16 intellectual skills necessary to become a well-rounded adult.
17 As used in this section, the term "extracurricular" means any
18 school-authorized or education-related activity occurring
19 during or outside the regular instructional school day.

20 (3)(a) To be eligible to participate in
21 interscholastic extracurricular student activities, a student
22 must:

23 1. Maintain a grade point average of 2.0 or above on a
24 4.0 scale, or its equivalent, in the previous semester or a
25 cumulative grade point average of 2.0 or above on a 4.0 scale,
26 or its equivalent, in the courses required by s. 1003.43(1).

27 2. Execute and fulfill the requirements of an academic
28 performance contract between the student, the district school
29 board, the appropriate governing association, and the
30 student's parents, if the student's cumulative grade point
31 average falls below 2.0, or its equivalent, on a 4.0 scale in

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1 the courses required by s. 1003.43(1) or, for students who
2 entered the 9th grade prior to the 1997-1998 school year, if
3 the student's cumulative grade point average falls below 2.0
4 on a 4.0 scale, or its equivalent, in the courses required by
5 s. 1003.43(1) that are taken after July 1, 1997. At a minimum,
6 the contract must require that the student attend summer
7 school, or its graded equivalent, between grades 9 and 10 or
8 grades 10 and 11, as necessary.

9 3. Have a cumulative grade point average of 2.0 or
10 above on a 4.0 scale, or its equivalent, in the courses
11 required by s. 1003.43(1) during his or her junior or senior
12 year.

13 4. Maintain satisfactory conduct and, if a student is
14 convicted of, or is found to have committed, a felony or a
15 delinquent act which would have been a felony if committed by
16 an adult, regardless of whether adjudication is withheld, the
17 student's participation in interscholastic extracurricular
18 activities is contingent upon established and published
19 district school board policy.

20 (b) Any student who is exempt from attending a full
21 school day based on rules adopted by the district school board
22 for double session schools or programs, experimental schools,
23 or schools operating under emergency conditions must maintain
24 the grade point average required by this section and pass each
25 class for which he or she is enrolled.

26 (c) An individual home education student is eligible
27 to participate at the public school to which the student would
28 be assigned according to district school board attendance area
29 policies or which the student could choose to attend pursuant
30 to district or interdistrict controlled open enrollment
31 provisions, or may develop an agreement to participate at a

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1 private school, in the interscholastic extracurricular
2 activities of that school, provided the following conditions
3 are met:
4 1. The home education student must meet the
5 requirements of the home education program pursuant to s.
6 1002.41.
7 2. During the period of participation at a school, the
8 home education student must demonstrate educational progress
9 as required in paragraph (3)(b) in all subjects taken in the
10 home education program by a method of evaluation agreed upon
11 by the parent and the school principal which may include:
12 review of the student's work by a certified teacher chosen by
13 the parent; grades earned through correspondence; grades
14 earned in courses taken at a community college, university, or
15 trade school; standardized test scores above the 35th
16 percentile; or any other method designated in s. 1002.41.
17 3. The home education student must meet the same
18 residency requirements as other students in the school at
19 which he or she participates.
20 4. The home education student must meet the same
21 standards of acceptance, behavior, and performance as required
22 of other students in extracurricular activities.
23 5. The student must register with the school his or
24 her intent to participate in interscholastic extracurricular
25 activities as a representative of the school before the
26 beginning date of the season for the activity in which he or
27 she wishes to participate. A home education student must be
28 able to participate in curricular activities if that is a
29 requirement for an extracurricular activity.
30 6. A student who transfers from a home education
31 program to a public school before or during the first grading

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1 period of the school year is academically eligible to
2 participate in interscholastic extracurricular activities
3 during the first grading period provided the student has a
4 successful evaluation from the previous school year, pursuant
5 to subparagraph (3)(c)2.

6 7. Any public school or private school student who has
7 been unable to maintain academic eligibility for participation
8 in interscholastic extracurricular activities is ineligible to
9 participate in such activities as a home education student
10 until the student has successfully completed one grading
11 period in home education pursuant to subparagraph (3)(c)2. to
12 become eligible to participate as a home education student.

13 (d) An individual charter school student pursuant to
14 s. 1002.33 is eligible to participate at the public school to
15 which the student would be assigned according to district
16 school board attendance area policies or which the student
17 could choose to attend, pursuant to district or interdistrict
18 controlled open-enrollment provisions, in any interscholastic
19 extracurricular activity of that school, unless such activity
20 is provided by the student's charter school, if the following
21 conditions are met:

22 1. The charter school student must meet the
23 requirements of the charter school education program as
24 determined by the charter school governing board.

25 2. During the period of participation at a school, the
26 charter school student must demonstrate educational progress
27 as required in paragraph (b).

28 3. The charter school student must meet the same
29 residency requirements as other students in the school at
30 which he or she participates.

31 4. The charter school student must meet the same

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1 standards of acceptance, behavior, and performance that are
2 required of other students in extracurricular activities.

3 5. The charter school student must register with the
4 school his or her intent to participate in interscholastic
5 extracurricular activities as a representative of the school
6 before the beginning date of the season for the activity in
7 which he or she wishes to participate. A charter school
8 student must be able to participate in curricular activities
9 if that is a requirement for an extracurricular activity.

10 6. A student who transfers from a charter school
11 program to a traditional public school before or during the
12 first grading period of the school year is academically
13 eligible to participate in interscholastic extracurricular
14 activities during the first grading period if the student has
15 a successful evaluation from the previous school year,
16 pursuant to subparagraph 2.

17 7. Any public school or private school student who has
18 been unable to maintain academic eligibility for participation
19 in interscholastic extracurricular activities is ineligible to
20 participate in such activities as a charter school student
21 until the student has successfully completed one grading
22 period in a charter school pursuant to subparagraph 2. to
23 become eligible to participate as a charter school student.

24 (4) The student standards for participation in
25 interscholastic extracurricular activities must be applied
26 beginning with the student's first semester of the 9th grade.
27 Each student must meet such other requirements for
28 participation as may be established by the district school
29 board; however, a district school board may not establish
30 requirements for participation in interscholastic
31 extracurricular activities which make participation in such

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1 activities less accessible to home education students than to
2 other students. Except as set forth in paragraph (3)(c),
3 evaluation processes or requirements that are placed on home
4 education student participants may not go beyond those that
5 apply under s. 1002.41 to home education students generally.

6 (5) Any organization or entity that regulates or
7 governs interscholastic extracurricular activities of public
8 schools:

9 (a) Shall permit home education associations to join
10 as member schools.

11 (b) Shall not discriminate against any eligible
12 student based on an educational choice of public, private, or
13 home education.

14 (6) Public schools are prohibited from membership in
15 any organization or entity which regulates or governs
16 interscholastic extracurricular activities and discriminates
17 against eligible students in public, private, or home
18 education.

19 (7) Any insurance provided by district school boards
20 for participants in extracurricular activities shall cover the
21 participating home education student. If there is an
22 additional premium for such coverage, the participating home
23 education student shall pay the premium.

24 Section 289. Section 1006.16, Florida Statutes, is
25 created to read:

26 1006.16 Insuring school students engaged in athletic
27 activities against injury.--Any district school board, school
28 athletic association, or school may formulate, conduct, and
29 purchase a plan or method of insuring, or may self-insure,
30 school students against injury sustained by reason of such
31 students engaging and participating in the athletic activities

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1 conducted or sponsored by the district school board,
2 association, or school in which such students are enrolled. A
3 district school board, school athletic association, or school
4 may add a surcharge to the fee charged for admission to
5 athletic events as a means of producing revenue to purchase
6 such insurance or to provide self-insurance. Any district
7 school board may pay for all or part of such plan or method of
8 insurance or self-insurance from available district school
9 board funds.

10 Section 290. Section 1006.17, Florida Statutes, is
11 created to read:

12 1006.17 Sponsorship of athletic activities similar to
13 those for which scholarships offered; rulemaking.--

14 (1) If a district school board sponsors an athletic
15 activity or sport that is similar to a sport for which a state
16 university or public community college offers an athletic
17 scholarship, it must sponsor the athletic activity or sport
18 for which a scholarship is offered. This section does not
19 affect academic requirements for participation or prevent the
20 school districts or community colleges from sponsoring
21 activities in addition to those for which scholarships are
22 provided.

23 (2) If a Florida public community college sponsors an
24 athletic activity or sport that is similar to a sport for
25 which a state university offers an athletic scholarship, it
26 must sponsor the athletic activity or sport for which a
27 scholarship is offered.

28 (3) Two athletic activities or sports that are similar
29 may be offered simultaneously.

30 (4) If the level of participation is insufficient to
31 warrant continuation of an athletic activity or sport, the

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1 school may offer an alternative athletic activity or sport.

2 (5) The State Board of Education shall adopt rules to
3 administer this section, including rules that determine which
4 athletic activities are similar to sports for which state
5 universities and community colleges offer scholarships.

6 Section 291. Section 1006.18, Florida Statutes, is
7 created to read:

8 1006.18 Cheerleader safety standards.--The Florida
9 High School Activities Association or successor organization
10 shall adopt statewide uniform safety standards for student
11 cheerleaders and spirit groups that participate in any school
12 activity or extracurricular student activity. The Florida High
13 School Activities Association or successor organization shall
14 adopt the "Official High School Spirit Rules," published by
15 the National Federation of State High School Associations, as
16 the statewide uniform safety standards.

17 Section 292. Section 1006.19, Florida Statutes, is
18 created to read:

19 1006.19 Audit of records of nonprofit corporations and
20 associations handling interscholastic activities.--

21 (1) Each nonprofit association or corporation that
22 operates for the purpose of supervising and controlling
23 interscholastic activities of public high schools and whose
24 membership is composed of duly certified representatives of
25 public high schools, and whose rules and regulations are
26 established by members thereof, shall have an annual financial
27 audit of its accounts and records by an independent certified
28 public accountant retained by it and paid from its funds. The
29 accountant shall furnish a copy of the audit report to the
30 Auditor General.

31 (2) Any such nonprofit association or corporation

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1 shall keep adequate and complete records of all moneys
2 received by it, including the source and amount, and all
3 moneys spent by it, including salaries, fees, expenses, travel
4 allowances, and all other items of expense. All records of
5 any such organization shall be open for inspection by the
6 Auditor General.

7 Section 293. Section 1006.20, Florida Statutes, is
8 created to read:

9 1006.20 Athletics in public K-12 schools.--

10 (1) GOVERNING NONPROFIT ORGANIZATION.--The Florida
11 High School Activities Association is designated as the
12 governing nonprofit organization of athletics in Florida
13 public schools. If the Florida High School Activities
14 Association fails to meet the provisions of this section, the
15 commissioner shall designate a nonprofit organization to
16 govern athletics with the approval of the State Board of
17 Education. The organization is not to be a state agency as
18 defined in s. 120.52. The organization shall be subject to the
19 provisions of s. 1006.19. A private school that wishes to
20 engage in high school athletic competition with a public high
21 school may become a member of the organization. The bylaws of
22 the organization are to be the rules by which high school
23 athletic programs in its member schools, and the students who
24 participate in them, are governed, unless otherwise
25 specifically provided by statute. For the purposes of this
26 section, "high school" includes grades 6 through 12.

27 (2) ADOPTION OF BYLAWS.--

28 (a) The organization shall adopt bylaws that, unless
29 specifically provided by statute, establish eligibility
30 requirements for all students who participate in high school
31 athletic competition in its member schools. The bylaws

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1 governing residence and transfer shall allow the student to be
2 eligible in the school in which he or she first enrolls each
3 school year, or makes himself or herself a candidate for an
4 athletic team by engaging in a practice prior to enrolling in
5 any member school. The student shall be eligible in that
6 school so long as he or she remains enrolled in that school.
7 Subsequent eligibility shall be determined and enforced
8 through the organization's bylaws.

9 (b) The organization shall adopt bylaws that
10 specifically prohibit the recruiting of students for athletic
11 purposes. The bylaws shall prescribe penalties and an appeals
12 process for athletic recruiting violations.

13 (c) The organization shall adopt bylaws that require
14 all students participating in interscholastic athletic
15 competition or who are candidates for an interscholastic
16 athletic team to satisfactorily pass a medical evaluation each
17 year prior to participating in interscholastic athletic
18 competition or engaging in any practice, tryout, workout, or
19 other physical activity associated with the student's
20 candidacy for an interscholastic athletic team. Such medical
21 evaluation can only be administered by a practitioner licensed
22 under the provisions of chapter 458, chapter 459, chapter 460,
23 or s. 464.012, and in good standing with the practitioner's
24 regulatory board. The bylaws shall establish requirements for
25 eliciting a student's medical history and performing the
26 medical evaluation required under this paragraph, which shall
27 include minimum standards for the physical capabilities
28 necessary for participation in interscholastic athletic
29 competition as contained in a uniform preparticipation
30 physical evaluation form. The evaluation form shall provide a
31 place for the signature of the practitioner performing the

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1 evaluation with an attestation that each examination procedure
2 listed on the form was performed by the practitioner or by
3 someone under the direct supervision of the practitioner. The
4 form shall also contain a place for the practitioner to
5 indicate if a referral to another practitioner was made in
6 lieu of completion of a certain examination procedure. The
7 form shall provide a place for the practitioner to whom the
8 student was referred to complete the remaining sections and
9 attest to that portion of the examination. The
10 preparticipation physical evaluation form shall advise
11 students to complete a cardiovascular assessment and shall
12 include information concerning alternative cardiovascular
13 evaluation and diagnostic tests. Practitioners administering
14 medical evaluations pursuant to this subsection must know the
15 minimum standards established by the organization and certify
16 that the student meets the standards. If the practitioner
17 determines that there are any abnormal findings in the
18 cardiovascular system, the student may not participate unless
19 a subsequent EKG or other cardiovascular assessment indicates
20 that the abnormality will not place the student at risk during
21 such participation. Results of such medical evaluation must be
22 provided to the school. No student shall be eligible to
23 participate in any interscholastic athletic competition or
24 engage in any practice, tryout, workout, or other physical
25 activity associated with the student's candidacy for an
26 interscholastic athletic team until the results of the medical
27 evaluation verifying that the student has satisfactorily
28 passed the evaluation have been received and approved by the
29 school.

30 (d) Notwithstanding the provisions of paragraph (c), a
31 student may participate in interscholastic athletic

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1 competition or be a candidate for an interscholastic athletic
2 team if the parent of the student objects in writing to the
3 student undergoing a medical evaluation because such
4 evaluation is contrary to his or her religious tenets or
5 practices. However, in such case, there shall be no liability
6 on the part of any person or entity in a position to otherwise
7 rely on the results of such medical evaluation for any damages
8 resulting from the student's injury or death arising directly
9 from the student's participation in interscholastic athletics
10 where an undisclosed medical condition that would have been
11 revealed in the medical evaluation is a proximate cause of the
12 injury or death.

13 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.--

14 (a) The organization shall operate as a representative
15 democracy in which the sovereign authority is within its
16 member schools. Except as provided in this section, the
17 organization shall govern its affairs through its bylaws.

18 (b) Each member school, on its annual application for
19 membership, shall name its official representative to the
20 organization. This representative must be either the school
21 principal or his or her designee. That designee must either be
22 an assistant principal or athletic director housed within that
23 same school.

24 (c) The organization's membership shall be divided
25 along existing county lines into four contiguous and compact
26 administrative regions, each containing an equal or nearly
27 equal number of member schools to ensure equitable
28 representation on the organization's board of directors,
29 representative assembly, and committee on appeals.

30 (4) BOARD OF DIRECTORS.--

31 (a) The executive authority of the organization shall

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1 be vested in its board of directors. The board of directors
2 shall be composed of 15 persons, as follows:

3 1. Four public member school representatives, one
4 elected from among its public school representative members
5 within each of the four administrative regions.

6 2. Four nonpublic member school representatives, one
7 elected from among its nonpublic school representative members
8 within each of the four administrative regions.

9 3. Two representatives appointed by the commissioner,
10 one appointed from the two northernmost administrative regions
11 and one appointed from the two southernmost administrative
12 regions.

13 4. Two district school superintendents, one elected
14 from the two northernmost administrative regions by the
15 members in those regions and one elected from the two
16 southernmost administrative regions by the members in those
17 regions.

18 5. Two district school board members, one elected from
19 the two northernmost administrative regions by the members in
20 those regions and one elected from the two southernmost
21 administrative regions by the members in those regions.

22 6. The commissioner or his or her designee from the
23 department executive staff.

24 (b) A quorum of the board of directors shall consist
25 of nine members.

26 (c) The board of directors shall elect a president and
27 a vice president from among its members. These officers shall
28 also serve as officers of the organization.

29 (d) Members of the board of directors shall serve
30 terms of 3 years and are eligible to succeed themselves only
31 once. A member of the board of directors, other than the

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1 commissioner or his or her designee, may serve a maximum of 6
2 consecutive years. The organization's bylaws shall establish a
3 rotation of terms to ensure that a majority of the members'
4 terms do not expire concurrently.

5 (e) The authority and duties of the board of
6 directors, acting as a body and in accordance with the
7 organization's bylaws, are as follows:

8 1. To act as the incorporated organization's board of
9 directors and to fulfill its obligations as required by the
10 organization's charter and articles of incorporation.

11 2. To establish such guidelines, regulations,
12 policies, and procedures as are authorized by the bylaws.

13 3. To provide an organization commissioner, who shall
14 have the authority to waive the bylaws of the organization in
15 order to comply with statutory changes.

16 4. To levy annual dues and other fees and to set the
17 percentage of contest receipts to be collected by the
18 organization.

19 5. To approve the budget of the organization.

20 6. To organize and conduct statewide interscholastic
21 competitions, which may or may not lead to state
22 championships, and to establish the terms and conditions for
23 these competitions.

24 7. To act as an administrative board in the
25 interpretation of, and final decision on, all questions and
26 appeals arising from the directing of interscholastic
27 athletics of member schools.

28 (5) REPRESENTATIVE ASSEMBLY.--

29 (a) The legislative authority of the organization is
30 vested in its representative assembly.

31 (b) The representative assembly shall be composed of

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1 the following:

2 1. An equal number of member school representatives
3 from each of the four administrative regions.

4 2. Four district school superintendents, one elected
5 from each of the four administrative regions by the district
6 school superintendents in their respective administrative
7 regions.

8 3. Four district school board members, one elected
9 from each of the four administrative regions by the district
10 school board members in their respective administrative
11 regions.

12 4. The commissioner or his or her designee from the
13 department executive staff.

14 (c) The organization's bylaws shall establish the
15 number of member school representatives to serve in the
16 representative assembly from each of the four administrative
17 regions and shall establish the method for their selection.

18 (d) No member of the board of directors other than the
19 commissioner or his or her designee can serve in the
20 representative assembly.

21 (e) The representative assembly shall elect a
22 chairperson and a vice chairperson from among its members.

23 (f) Elected members of the representative assembly
24 shall serve terms of 2 years and are eligible to succeed
25 themselves for two additional terms. An elected member, other
26 than the commissioner or his or her designee, may serve a
27 maximum of 6 consecutive years in the representative assembly.

28 (g) A quorum of the representative assembly consists
29 of one more than half of its members.

30 (h) The authority of the representative assembly is
31 limited to its sole duty, which is to consider, adopt, or

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1 reject any proposed amendments to the organization's bylaws.

2 (i) The representative assembly shall meet as a body
3 annually. A two-thirds majority of the votes cast by members
4 present is required for passage of any proposal.

5 (6) PUBLIC LIAISON ADVISORY COMMITTEE.--

6 (a) The organization shall establish, sustain, fund,
7 and provide staff support to a public liaison advisory
8 committee composed of the following:

- 9 1. The commissioner or his or her designee.
10 2. A member public school principal.
11 3. A member private school principal.
12 4. A member school principal who is a member of a
13 racial minority.
14 5. An active athletic director.
15 6. An active coach, who is employed full time by a
16 member school.
17 7. A student athlete.
18 8. A district school superintendent.
19 9. A district school board member.
20 10. A member of the Florida House of Representatives.
21 11. A member of the Florida Senate.
22 12. A parent of a high school student.
23 13. A member of a home education association.
24 14. A representative of the business community.
25 15. A representative of the news media.

26 (b) No member of the board of directors, committee on
27 appeals, or representative assembly is eligible to serve on
28 the public liaison advisory committee.

29 (c) The public liaison advisory committee shall elect
30 a chairperson and vice chairperson from among its members.

31 (d) The authority and duties of the public liaison

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1 advisory committee are as follows:

2 1. To act as a conduit through which the general
3 public may have input into the decisionmaking process of the
4 organization and to assist the organization in the development
5 of procedures regarding the receipt of public input and
6 disposition of complaints related to high school athletic and
7 competition programs.

8 2. To conduct public hearings annually in each of the
9 four administrative regions during which interested parties
10 may address issues regarding the effectiveness of the rules,
11 operation, and management of the organization.

12 3. To conduct an annual evaluation of the organization
13 as a whole and present a report of its findings, conclusion,
14 and recommendations to the board of directors, to the
15 commissioner, and to the respective education committees of
16 the Florida Senate and the Florida House of Representatives.
17 The recommendations must delineate policies and procedures
18 that will improve the implementation and oversight of high
19 school athletic programs by the organization.

20 (e) The public liaison advisory committee shall meet
21 four times annually. Additional meetings may be called by the
22 committee chairperson, the organization president, or the
23 organization commissioner.

24 (7) APPEALS.--

25 (a) The organization shall establish a procedure of
26 due process which ensures each student the opportunity to
27 appeal an unfavorable ruling with regard to his or her
28 eligibility to compete. The initial appeal shall be made to a
29 committee on appeals within the administrative region in which
30 the student lives. The organization's bylaws shall establish
31 the number, size, and composition of the committee on appeals.

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1 (b) No member of the board of directors is eligible to
2 serve on the committee on appeals.

3 (c) Members of the committee on appeals shall serve
4 terms of 3 years and are eligible to succeed themselves only
5 once. A member of the committee on appeals may serve a maximum
6 of 6 consecutive years. The organization's bylaws shall
7 establish a rotation of terms to ensure that a majority of the
8 members' terms do not expire concurrently.

9 (d) The authority and duties of the committee on
10 appeals shall be to consider requests by member schools
11 seeking exceptions to bylaws and regulations, to hear undue
12 hardship eligibility cases filed by member schools on behalf
13 of student athletes, and to hear appeals filed by member
14 schools.

15 (e) A student athlete or member school that receives
16 an unfavorable ruling from a committee on appeals shall be
17 entitled to appeal that decision to the board of directors at
18 its next regularly scheduled meeting or called meeting. The
19 board of directors shall have the authority to uphold,
20 reverse, or amend the decision of the committee on appeals. In
21 all such cases, the decision of the board of directors shall
22 be final.

23 (8) AMENDMENT OF BYLAWS.--Each member school
24 representative, the board of directors acting as a whole or as
25 members acting individually, any advisory committee acting as
26 a whole to be established by the organization, and the
27 organization's commissioner are empowered to propose
28 amendments to the bylaws. Any other individual may propose an
29 amendment by securing the sponsorship of any of the
30 mentioned individuals or bodies. All proposed amendments
31 must be submitted directly to the representative assembly for

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1 its consideration. The representative assembly, while
2 empowered to adopt, reject, or revise proposed amendments, may
3 not, in and of itself, as a body be allowed to propose any
4 amendment for its own consideration.

5 (9) RULES ADOPTION.--The bylaws of the organization
6 shall require member schools to adopt rules for sports, which
7 have been established by a nationally recognized sanctioning
8 body, unless waived by at least a two-thirds vote of the board
9 of directors.

10 (10) EXAMINATION; CRITERIA; REPORT.--The board of
11 directors of the Florida High School Activities Association
12 shall undertake an examination of the following:

13 (a) Alternative criteria for establishing
14 administrative regions to include, but not be limited to,
15 population.

16 (b) Procedures to ensure appropriate diversity in the
17 membership of the board of directors.

18 (c) Opportunities to secure corporate financial
19 support for high school athletic programs.

20
21 The board of directors shall submit to the commissioner, the
22 President of the Senate, and the Speaker of the House of
23 Representatives not later than March 1, 2003, a report on the
24 actions taken in the examination of each of the three topics
25 listed in this subsection, the findings, and the actions to be
26 taken to implement the findings and the target date for
27 implementation.

28 Section 294. Part I.e. of chapter 1006, Florida
29 Statutes, shall be entitled "Transportation of Public K-12
30 Students" and shall consist of ss. 1006.21-1006.27.

31 Section 295. Section 1006.21, Florida Statutes, is

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1 created to read:

2 1006.21 Duties of district school superintendent and
3 district school board regarding transportation.--

4 (1) The district school superintendent shall ascertain
5 which students should be transported to school or to school
6 activities, determine the most effective arrangement of
7 transportation routes to accommodate these students; recommend
8 such routing to the district school board; recommend plans and
9 procedures for providing facilities for the economical and
10 safe transportation of students; recommend such rules and
11 regulations as may be necessary and see that all rules and
12 regulations relating to the transportation of students
13 approved by the district school board, as well as regulations
14 of the state board, are properly carried into effect, as
15 prescribed in this chapter.

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

28 (3) District school boards, after considering
29 recommendations of the district school superintendent:

30 (a) Shall provide transportation for each student in
31 prekindergarten disability programs and in kindergarten

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1 through grade 12 membership in a public school when, and only
2 when, transportation is necessary to provide adequate
3 educational facilities and opportunities which otherwise would
4 not be available and to transport students whose homes are
5 more than a reasonable walking distance, as defined by rules
6 of the State Board of Education, from the nearest appropriate
7 school.

8 (b) Shall provide transportation for public elementary
9 school students in membership whose grade level does not
10 exceed grade 6, and may provide transportation for public
11 school students in membership in grades 7 through 12, if such
12 students are subjected to hazardous walking conditions as
13 provided in s. 1006.23 while en route to or from school.

14 (c) May provide transportation for public school
15 migrant, exceptional, nursery, and other public school
16 students in membership below kindergarten; kindergarten
17 through grade 12 students in membership in a public school;
18 and adult students in membership in adult career and
19 technical, basic, and high school graduation programs in a
20 public school when, and only when, transportation is necessary
21 to provide adequate educational facilities and opportunities
22 which otherwise would not be available.

23 (d) May provide transportation for the transportation
24 disadvantaged as defined in s. 427.011 and for other
25 school-age children as provided for in s. 1006.261.

26 (e) Shall provide necessary transportation to pregnant
27 students or student parents, and the children of those
28 students, when the district school board operates a teenage
29 parent program pursuant to s. 1003.54.

30 (f) May provide transportation for other persons to
31 events or activities in which the district school board or

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1 school has agreed to participate or cosponsor. The district
2 school board shall adopt a policy to address liability for
3 trips pursuant to this paragraph.

4 (g) May provide transportation for welfare transition
5 program participants as defined in s. 414.0252.

6 (4) In each case in which transportation of students
7 is impracticable in the opinion of the district school board,
8 the district school board may take steps for making available
9 educational facilities as are authorized by law or rule of the
10 State Board of Education and as, in the opinion of the
11 district school board, are practical.

12 Section 296. Section 1006.22, Florida Statutes, is
13 created to read:

14 1006.22 Safety and health of students being
15 transported.--Maximum regard for safety and adequate
16 protection of health are primary requirements that must be
17 observed by district school boards in routing buses,
18 appointing drivers, and providing and operating equipment, in
19 accordance with all requirements of law and rules of the State
20 Board of Education in providing transportation pursuant to s.
21 1006.21:

22 (1) District school boards shall use school buses, as
23 defined in s. 1006.25, for all regular transportation. Regular
24 transportation or regular use means transportation of students
25 to and from school or school-related activities that are part
26 of a scheduled series or sequence of events to the same
27 location. "Students" means, for the purposes of this section,
28 students enrolled in the public schools in prekindergarten
29 disability programs and in kindergarten through grade 12.
30 District school boards may regularly use motor vehicles other
31 than school buses only under the following conditions:

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1 (a) When the transportation is for physically
2 handicapped or isolated students and the district school board
3 has elected to provide for the transportation of the student
4 through written or oral contracts or agreements.

5 (b) When the transportation is a part of a
6 comprehensive contract for a specialized educational program
7 between a district school board and a service provider who
8 provides instruction, transportation, and other services.

9 (c) When the transportation is provided through a
10 public transit system.

11 (d) When the transportation of students is necessary
12 or practical in a motor vehicle owned or operated by a
13 district school board other than a school bus, such
14 transportation must be provided in designated seating
15 positions in a passenger car not to exceed 8 students or in a
16 multipurpose passenger vehicle designed to transport 10 or
17 fewer persons which meets all applicable federal motor vehicle
18 safety standards. Multipurpose passenger vehicles classified
19 as utility vehicles with a wheelbase of 110 inches or less
20 which are required by federal motor vehicle standards to
21 display a rollover warning label may not be used.

22
23 When students are transported in motor vehicles, the occupant
24 crash protection system provided by the vehicle manufacturer
25 must be used unless the student's physical condition prohibits
26 such use.

27 (2) Except as provided in subsection (1), district
28 school boards may authorize the transportation of students in
29 privately owned motor vehicles on a case-by-case basis only in
30 the following circumstances:

31 (a) When a student is ill or injured and must be taken

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1 home or to a medical treatment facility under nonemergency
2 circumstances; and

3 1. The school has been unable to contact the student's
4 parent or the parent or responsible adult designated by the
5 parent is not available to provide the transportation;

6 2. Proper adult supervision of the student is
7 available at the location to which the student is being
8 transported;

9 3. The transportation is approved by the school
10 principal, or a school administrator designated by the
11 principal to grant or deny such approval, or in the absence of
12 the principal and designee, by the highest ranking school
13 administrator or teacher available under the circumstances;
14 and

15 4. If the school has been unable to contact the parent
16 prior to the transportation, the school shall continue to seek
17 to contact the parent until the school is able to notify the
18 parent of the transportation and the pertinent circumstances.

19 (b) When the transportation is in connection with a
20 school function or event regarding which the district school
21 board or school has undertaken to participate or to sponsor or
22 provide the participation of students; and

23 1. The function or event is a single event that is not
24 part of a scheduled series or sequence of events to the same
25 location, such as, but not limited to, a field trip, a
26 recreational outing, an interscholastic competition or
27 cooperative event, an event connected with an extracurricular
28 activity offered by the school, or an event connected to an
29 educational program, such as, but not limited to, a job
30 interview as part of a cooperative education program;

31 2. Transportation is not available, as a practical

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1 matter, using a school bus or school district passenger car;

2 and

3 3. Each student's parent is notified, in writing,
4 regarding the transportation arrangement and gives written
5 consent before a student is transported in a privately owned
6 motor vehicle.

7 (c) When a district school board requires employees
8 such as school social workers and attendance officers to use
9 their own motor vehicles to perform duties of employment, and
10 such duties include the occasional transportation of students.

11 (3) When approval is granted for the transportation of
12 students in a privately owned vehicle, the provisions of s.
13 1006.24 regarding liability for tort claims are applicable.
14 District school board employees who provide approved
15 transportation in privately owned vehicles are acting within
16 the scope of their employment. Parents or other responsible
17 adults who provide approved transportation in privately owned
18 vehicles have the same exposure to, and protections from,
19 risks of personal liability as do district school board
20 employees acting within the scope of their employment.

21 (4) Each district school board may establish policies
22 that restrict the use of privately owned motor vehicles to
23 circumstances that are more limited than are described in this
24 section or that prohibit such use. Each district school board
25 may establish written policies that provide for more extensive
26 requirements for approval, parental notification and consent
27 procedures, insurance coverage, driver qualifications, or a
28 combination of these.

29 (5) When transportation is authorized in privately
30 owned vehicles, students may be transported only in designated
31 seating positions and must use the occupant crash protection

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1 system provided by the vehicle manufacturer.

2 (6) District school boards may contract with a common
3 carrier to transport students to and from in-season and
4 postseason athletic contests and to and from a school function
5 or event in which the district school board or a school has
6 undertaken to participate or to provide for or sponsor the
7 participation of students.

8 (7) Transportation for adult students may be provided
9 by any appropriate means as authorized by the district school
10 board when the transportation is accepted as a responsibility
11 by the district school board as provided in s. 1006.21.

12 (8) Notwithstanding any other provision of this
13 section, in an emergency situation that constitutes an
14 imminent threat to student health or safety, school personnel
15 may take whatever action is necessary under the circumstances
16 to protect student health and safety.

17 (9) Except as provided in s. 1006.261, transportation
18 is not the responsibility of the district school board in
19 connection with any event or activity that is not an event or
20 activity offered by the district school board or an event or
21 an activity in which the district school board or school has
22 agreed to participate, cosponsor, or require the participation
23 of students, and the district school board has no liability
24 for transportation arranged and provided by parents or other
25 parties to such events or activities.

26 (10) Each district school board shall designate and
27 adopt a specific plan for adequate examination, maintenance,
28 and repair of transportation equipment. Examination of the
29 mechanical and safety condition of each school bus must be
30 made as required pursuant to rule of the State Board of
31 Education. The State Board of Education shall base the rule on

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1 student safety considerations.

2 (11) The district school superintendent shall notify
3 the district school board of any school bus that does not meet
4 all requirements of law and rules of the State Board of
5 Education, and the district school board shall, if the school
6 bus is in an unsafe condition, withdraw it from use as a
7 school bus until the bus meets the requirements. The
8 department may inspect or have inspected any school bus to
9 determine whether the bus meets requirements of law and rules
10 of the State Board of Education. The department may, after due
11 notice to a district school board that any school bus does not
12 meet certain requirements of law and rules of the State Board
13 of Education, rule that the bus must be withdrawn from use as
14 a school bus, this ruling to be effective immediately or upon
15 a date specified in the ruling, whereupon the district school
16 board shall withdraw the school bus from use as a school bus
17 until it meets requirements of law and rules of the State
18 Board of Education and until the department has officially
19 revoked the pertinent ruling. Notwithstanding any other
20 provisions of this chapter, general purpose urban transit
21 systems are declared qualified to transport students to and
22 from school.

23 (12)(a) The routing and scheduling of school buses
24 must be planned to eliminate the necessity for students to
25 stand while a school bus is in motion. When circumstances of
26 an emergency nature, as defined by written district school
27 board policy, temporarily require transporting students on
28 school buses in excess of the rated seating capacity, the
29 buses must proceed at a reduced rate of speed to maximize
30 safety of the students, taking into account existing traffic
31 conditions. Each district school board is responsible for

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1 prompt relief of the emergency condition by providing
2 additional equipment, bus rerouting, bus rescheduling, or
3 other appropriate remedial action, and must maintain written
4 district school board policies to address such situations.

5 (b) Each district school board, after considering
6 recommendations from the district school superintendent, shall
7 designate, by map or otherwise, or shall provide by district
8 school board rule for the designation of, nontransportation
9 zones that are composed of all areas in the school district
10 from which it is unnecessary or impracticable to furnish
11 transportation. Nontransportation zones must be designated
12 annually before the opening of school and the designation of
13 bus routes for the succeeding school year. Each district
14 school board, after considering recommendations from the
15 district school superintendent, shall specifically designate,
16 or shall provide by district school board rule for the
17 designation of, specific routes to be traveled regularly by
18 school buses, and each route must meet the requirements
19 prescribed by rules of the State Board of Education.

20 (c) Each district school board shall establish school
21 bus stops, or provide by district school board rule for the
22 establishment of school bus stops, as necessary at the most
23 reasonably safe locations available. Where unusual traffic
24 hazards exist at school bus stops on roads maintained by the
25 state outside of municipalities, the Department of
26 Transportation, in concurrence and cooperation with and upon
27 request of the district school board, shall place signs at
28 such bus stops warning motorists of the location of the stops.

29 (13) The State Board of Education may adopt rules to
30 implement this section as are necessary or desirable in the
31 interest of student health and safety.

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1 Section 297. Section 1006.23, Florida Statutes, is
2 created to read:

3 1006.23 Hazardous walking conditions.--

4 (1) DEFINITION.--As used in this section, "student"
5 means any public elementary school student whose grade level
6 does not exceed grade 6.

7 (2) TRANSPORTATION; CORRECTION OF HAZARDS.--

8 (a) It is intended that district school boards and
9 other governmental entities work cooperatively to identify
10 conditions that are hazardous along student walking routes to
11 school and that district school boards provide transportation
12 to students who would be subjected to such conditions. It is
13 further intended that state or local governmental entities
14 having jurisdiction correct such hazardous conditions within a
15 reasonable period of time.

16 (b) Upon a determination pursuant to this section that
17 a condition is hazardous to students, the district school
18 board shall request a determination from the state or local
19 governmental entity having jurisdiction regarding whether the
20 hazard will be corrected and, if so, regarding a projected
21 completion date. State funds shall be allocated for the
22 transportation of students subjected to such hazards, provided
23 that such funding shall cease upon correction of the hazard or
24 upon the projected completion date, whichever occurs first.

25 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.--When a
26 request for review is made to the district school
27 superintendent or the district school superintendent's
28 designee concerning a condition perceived to be hazardous to
29 students in that district who live within the 2-mile limit and
30 who walk to school, such condition shall be inspected by a
31 representative of the school district and a representative of

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1 the state or local governmental entity that has jurisdiction
2 over the perceived hazardous location. The district school
3 superintendent or his or her designee and the state or local
4 governmental entity or its representative shall then make a
5 final determination that is mutually agreed upon regarding
6 whether the hazardous condition meets the state criteria
7 pursuant to this section. The district school superintendent
8 or his or her designee shall report this final determination
9 to the department.

10 (4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING
11 CONDITIONS.--

12 (a) Walkways parallel to the road.--

13 1. It shall be considered a hazardous walking
14 condition with respect to any road along which students must
15 walk in order to walk to and from school if there is not an
16 area at least 4 feet wide adjacent to the road, having a
17 surface upon which students may walk without being required to
18 walk on the road surface. In addition, whenever the road along
19 which students must walk is uncurbed and has a posted speed
20 limit of 55 miles per hour, the area as described above for
21 students to walk upon shall be set off the road by no less
22 than 3 feet from the edge of the road.

23 2. The provisions of subparagraph 1. do not apply when
24 the road along which students must walk:

25 a. Is in a residential area which has little or no
26 transient traffic;

27 b. Is a road on which the volume of traffic is less
28 than 180 vehicles per hour, per direction, during the time
29 students walk to and from school; or

30 c. Is located in a residential area and has a posted
31 speed limit of 30 miles per hour or less.

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1 (b) Walkways perpendicular to the road.--It shall be
2 considered a hazardous walking condition with respect to any
3 road across which students must walk in order to walk to and
4 from school:

5 1. If the traffic volume on the road exceeds the rate
6 of 360 vehicles per hour, per direction (including all lanes),
7 during the time students walk to and from school and if the
8 crossing site is uncontrolled. For purposes of this
9 subsection, an "uncontrolled crossing site" is an intersection
10 or other designated crossing site where no crossing guard,
11 traffic enforcement officer, or stop sign or other traffic
12 control signal is present during the times students walk to
13 and from school.

14 2. If the total traffic volume on the road exceeds
15 4,000 vehicles per hour through an intersection or other
16 crossing site controlled by a stop sign or other traffic
17 control signal, unless crossing guards or other traffic
18 enforcement officers are also present during the times
19 students walk to and from school.

20
21 Traffic volume shall be determined by the most current traffic
22 engineering study conducted by a state or local governmental
23 agency.

24 Section 298. Section 1006.24, Florida Statutes, is
25 created to read:

26 1006.24 Tort liability; liability insurance.--

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

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

11 (2) Each district school board may secure and keep in
12 force a medical payments plan or medical payments insurance on
13 school buses and other vehicles. If a medical payments plan or
14 insurance is provided, it shall be carried in a sum of no less
15 than \$500 per person.

16 (3) Expenses, costs, or premiums to protect against
17 liability for torts as provided in this section may be paid
18 from any available funds of the district school board.

19 (4) If vehicles used in transportation are not owned
20 by the district school board, the district school board may
21 require owners of such vehicles to show evidence of adequate
22 insurance during the time that such vehicles are in the
23 services of the district school board.

24 Section 299. Section 1006.25, Florida Statutes, is
25 created to read:

26 1006.25 School buses.--School buses shall be defined
27 and meet specifications as follows:

28 (1) DEFINITION.--For the purpose of this part, a
29 "school bus" is a motor vehicle regularly used for the
30 transportation of prekindergarten disability program and
31 kindergarten through grade 12 students of the public schools

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1 to and from school or to and from school activities, and
2 owned, operated, rented, contracted, or leased by any district
3 school board, except:

4 (a) Passenger cars, multipurpose passenger vehicles,
5 and trucks as defined in 49 C.F.R. part 571.

6 (b) Motor vehicles subject to, and meeting all
7 requirements of, the United States Department of
8 Transportation, Federal Motor Carrier Safety Regulations under
9 Title 49, Code of Federal Regulations and operated by carriers
10 operating under the jurisdiction of these regulations but not
11 used exclusively for the transportation of public school
12 students.

13 (2) SPECIFICATIONS.--Each school bus as defined in 49
14 C.F.R. part 571 and subsection (1) that is rented, leased,
15 purchased, or contracted for must meet the applicable federal
16 motor vehicle safety standards and other specifications as
17 prescribed by rules of the State Board of Education.

18 (3) STANDARDS FOR LEASED VEHICLES.--A motor vehicle
19 owned and operated by a county or municipal transit authority
20 that is leased by the district school board for transportation
21 of public school students must meet such standards as the
22 State Board of Education establishes by rule. A school bus
23 authorized by a district school board to carry passengers
24 other than school students must have the words "School Bus"
25 and any other signs and insignia that mark or designate it as
26 a school bus covered, removed, or otherwise concealed while
27 such passengers are being transported.

28 (4) OCCUPANT PROTECTION SYSTEMS.--Students may be
29 transported only in designated seating positions, except as
30 provided in s. 1006.22(12), and must use the occupant crash
31 protection system provided by the manufacturer, which system

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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 300. 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

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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 301. Section 1006.27, Florida Statutes, is
29 created to read:

30 1006.27 Pooling of school buses and related purchases
31 by district school boards; transportation services

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1 contracts.--

2 (1) The department shall assist district school boards
3 in securing school buses, contractual needs, equipment, and
4 supplies at as reasonable prices as possible by providing a
5 plan under which district school boards may voluntarily pool
6 their bids for such purchases. The department shall prepare
7 bid forms and specifications, obtain quotations of prices and
8 make such information available to district school boards in
9 order to facilitate this service. District school boards from
10 time to time, as prescribed by State Board of Education rule,
11 shall furnish the department with information concerning the
12 prices paid for such items and the department shall furnish to
13 district school boards periodic information concerning the
14 lowest prices at which school buses, equipment, and related
15 supplies are available based upon comparable specifications.

16 (2) If a contract between any district school board
17 and any person, business, or entity to provide the district
18 school board with school bus service for the transportation of
19 students in the district provides that the person, business,
20 or entity shall own, operate, and maintain school buses for
21 such service, the district school board may purchase the
22 number of buses needed for the district through the department
23 and sell them to the person, business, or entity as a part of
24 the contract for such service.

25 Section 302. Part I.f. of chapter 1006, Florida
26 Statutes, shall be entitled "Instructional Materials for K-12
27 Public Education" and shall consist of ss. 1006.28-1006.43.

28 Section 303. Section 1006.28, Florida Statutes, is
29 created to read:

30 1006.28 Duties of district school board, district
31 school superintendent; and school principal regarding K-12

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1 instructional materials.--

2 (1) DISTRICT SCHOOL BOARD.--The district school board
3 has the duty to provide adequate instructional materials for
4 all students in accordance with the requirements of this part.
5 The term "adequate instructional materials" means a sufficient
6 number of textbooks or sets of materials serving as the basis
7 for instruction for each student in the core courses of
8 mathematics, language arts, social studies, science, reading,
9 and literature, except for instruction for which the school
10 advisory council approves the use of a program that does not
11 include a textbook as a major tool of instruction. The
12 district school board has the following specific duties:

13 (a) Courses of study; adoption.--Adopt courses of
14 study for use in the schools of the district.

15 (b) Textbooks.--Provide for proper requisitioning,
16 distribution, accounting, storage, care, and use of all
17 instructional materials furnished by the state and furnish
18 such other instructional materials as may be needed. The
19 district school board shall assure that instructional
20 materials used in the district are consistent with the
21 district goals and objectives and the curriculum frameworks
22 adopted by rule of the State Board of Education, as well as
23 with the state and district performance standards provided for
24 in s. 1001.03(1).

25 (c) Other instructional materials.--Provide such other
26 teaching accessories and aids as are needed for the school
27 district's educational program.

28 (d) School library media services; establishment and
29 maintenance.--Establish and maintain a program of school
30 library media services for all public schools in the district,
31 including school library media centers, or school library

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1 media centers open to the public, and, in addition such
2 traveling or circulating libraries as may be needed for the
3 proper operation of the district school system.

4 (2) DISTRICT SCHOOL SUPERINTENDENT.--

5 (a) The district school superintendent has the duty to
6 recommend such plans for improving, providing, distributing,
7 accounting for, and caring for textbooks and other
8 instructional aids as will result in general improvement of
9 the district school system, as prescribed in this part, in
10 accordance with adopted district school board rules
11 prescribing the duties and responsibilities of the district
12 school superintendent regarding the requisition, purchase,
13 receipt, storage, distribution, use, conservation, records,
14 and reports of, and management practices and property
15 accountability concerning, instructional materials, and
16 providing for an evaluation of any instructional materials to
17 be requisitioned that have not been used previously in the
18 district's schools. The district school superintendent must
19 keep adequate records and accounts for all financial
20 transactions for funds collected pursuant to subsection (3),
21 as a component of the educational service delivery scope in a
22 school district best financial management practices review
23 under s. 1008.35.

24 (b) Each district school superintendent shall notify
25 the department by April 1 of each year the state-adopted
26 instructional materials that will be requisitioned for use in
27 his or her school district. The notification shall include a
28 district school board plan for instructional materials use to
29 assist in determining if adequate instructional materials have
30 been requisitioned.

31 (3) SCHOOL PRINCIPAL.--The school principal has the

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1 following duties for the management and care of instructional
2 materials at the school:

3 (a) Proper use of instructional materials.--The
4 principal shall assure that instructional materials are used
5 to provide instruction to students enrolled at the grade level
6 or levels for which the materials are designed, pursuant to
7 adopted district school board rule. The school principal shall
8 communicate to parents the manner in which instructional
9 materials are used to implement the curricular objectives of
10 the school.

11 (b) Money collected for lost or damaged books;
12 enforcement.--The school principal shall collect from each
13 student or the student's parent the purchase price of any
14 instructional material the student has lost, destroyed, or
15 unnecessarily damaged and to report and transmit the money
16 collected to the district school superintendent. If
17 instructional materials lost, destroyed, or damaged have been
18 in school use for more than 1 year, a sum ranging between 50
19 and 75 percent of the purchase price of the book shall be
20 collected, determined by the physical condition of the book.
21 The failure to collect such sum upon reasonable effort by the
22 school principal may result in the suspension of the student
23 from participation in extracurricular activities or
24 satisfaction of the debt by the student through community
25 service activities at the school site as determined by the
26 school principal, pursuant to policies adopted by district
27 school board rule.

28 (c) Sale of instructional materials.--The school
29 principal, upon request of the parent of a student in the
30 school, shall sell to the parent any instructional materials
31 used in the school. All such sales shall be made pursuant to

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1 rule adopted by the district school board, and the principal
2 shall annually provide information to parents that they may
3 purchase instructional materials and how to purchase the
4 materials.

5 (d) Disposition of funds.--All money collected from
6 the sale, exchange, loss, or damage of instructional materials
7 shall be transmitted to the district school superintendent to
8 be deposited in the district school board fund and added to
9 the district appropriation for instructional materials.

10 (e) Accounting for textbooks.--Principals shall see
11 that all books are fully and properly accounted for as
12 prescribed by adopted rules of the district school board.

13 Section 304. Section 1006.29, Florida Statutes, is
14 created to read:

15 1006.29 State instructional materials committees.--

16 (1) Each school year, not later than April 15, the
17 commissioner shall appoint state instructional materials
18 committees composed of persons actively engaged in teaching or
19 in the supervision of teaching in the public elementary,
20 middle, or high schools and representing the major fields and
21 levels in which instructional materials are used in the public
22 schools and, in addition, lay citizens not professionally
23 connected with education. Committee members shall receive
24 training pursuant to subsection (5) in competencies related to
25 the evaluation and selection of instructional materials.

26 (a) There shall be ten or more members on each
27 committee: At least 50 percent of the members shall be
28 classroom teachers who are certified in an area directly
29 related to the academic area or level being considered for
30 adoption, two shall be laypersons, one shall be a district
31 school board member, and two shall be supervisors of teachers.

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1 The committee must have the capacity or expertise to address
2 the broad racial, ethnic, socioeconomic, and cultural
3 diversity of the state's student population. Personnel
4 selected as teachers of the year at the school, district,
5 regional, or state level are encouraged to serve on
6 instructional materials committees.

7 (b) The membership of each committee must reflect the
8 broad racial, ethnic, socioeconomic, and cultural diversity of
9 the state, including a balanced representation from the
10 state's geographic regions.

11 (c) The commissioner shall determine annually the
12 areas in which instructional materials shall be submitted for
13 adoption, taking into consideration the desires of the
14 district school boards. The commissioner shall also determine
15 the number of titles to be adopted in each area.

16 (2)(a) All appointments shall be as prescribed in this
17 section. No member shall serve more than two consecutive
18 terms on any committee. All appointments shall be for
19 18-month terms. All vacancies shall be filled in the manner
20 of the original appointment for only the time remaining in the
21 unexpired term. At no time may a district school board have
22 more than one representative on a committee. The commissioner
23 and a member of the department whom he or she shall designate
24 shall be additional and ex officio members of each committee.

25 (b) The names and mailing addresses of the members of
26 the state instructional materials committees shall be made
27 public when appointments are made.

28 (c) The district school board shall be reimbursed for
29 the actual cost of substitute teachers for each workday that a
30 member of its instructional staff is absent from his or her
31 assigned duties for the purpose of rendering service to the

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1 state instructional materials committee. In addition,
2 committee members shall be reimbursed for travel expenses and
3 per diem in accordance with s. 112.061 for actual service in
4 meetings of committees called by the commissioner. Payment of
5 such travel expenses shall be made by the Treasurer from the
6 appropriation for the administration of the instructional
7 materials program, on warrants to be drawn by the Comptroller
8 upon requisition approved by the commissioner.

9 (d) Any member of a committee may be removed by the
10 commissioner for cause.

11 (3) All references in the law to the state
12 instructional materials committee shall apply to each
13 committee created by this section.

14 (4) For purposes of state adoption, "instructional
15 materials" means items having intellectual content that by
16 design serve as a major tool for assisting in the instruction
17 of a subject or course. These items may be available in bound,
18 unbound, kit, or package form and may consist of hardbacked or
19 softbacked textbooks, consumables, learning laboratories,
20 manipulatives, electronic media, and computer courseware or
21 software. The term does not include electronic or computer
22 hardware even if such hardware is bundled with software or
23 other electronic media, nor does it include equipment or
24 supplies.

25 (5) The department shall develop a training program
26 for persons selected to serve on state instructional materials
27 committees. The program shall be structured to assist
28 committee members in developing the skills necessary to make
29 valid, culturally sensitive, and objective decisions regarding
30 the content and rigor of instructional materials. All persons
31 serving on instructional materials committees must complete

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1 the training program prior to beginning the review and
2 selection process.

3 Section 305. Section 1006.30, Florida Statutes, is
4 created to read:

5 1006.30 Affidavit of state instructional materials
6 committee members.--Before transacting any business, each
7 member of a state committee shall make an affidavit, to be
8 filed with the commissioner, that:

9 (1) The member will faithfully discharge the duties
10 imposed upon him or her as a member of the committee.

11 (2) The member has no interest, and while a member of
12 the committee he or she will assume no interest, in any
13 publishing or manufacturing organization which produces or
14 sells instructional materials.

15 (3) The member is in no way connected, and while a
16 member of the committee he or she will assume no connection,
17 with the distribution of the instructional materials.

18 (4) The member is not pecuniarily interested, and
19 while a member of the committee he or she will assume no
20 pecuniary interest, directly or indirectly, in the business or
21 profits of any person engaged in manufacturing, publishing, or
22 selling instructional materials designed for use in the public
23 schools.

24 (5) The member will not accept any emolument or
25 promise of future reward of any kind from any publisher or
26 manufacturer of instructional materials or his or her agent or
27 anyone interested in, or intending to bias his or her judgment
28 in any way in, the selection of any materials to be adopted.

29 (6) It is unlawful for any member of a state
30 instructional materials committee to discuss matters relating
31 to instructional materials submitted for adoption with any

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1 agent of a publisher or manufacturer of instructional
2 materials, either directly or indirectly, except during the
3 period when the committee has been called into session for the
4 purpose of evaluating instructional materials submitted for
5 adoption. Such discussions shall be limited to official
6 meetings of the committee and in accordance with procedures
7 prescribed by the commissioner for that purpose.

8 Section 306. Section 1006.31, Florida Statutes, is
9 created to read:

10 1006.31 Duties of each state instructional materials
11 committee.--The duties of each state instructional materials
12 committee are:

13 (1) PLACE AND TIME OF MEETING.--To meet at the call of
14 the commissioner, at a place in the state designated by him or
15 her, for the purpose of evaluating and recommending
16 instructional materials for adoption by the state. All
17 meetings of state instructional materials committees shall be
18 announced publicly in the Florida Administrative Weekly at
19 least 2 weeks prior to the date of convening. All meetings of
20 the committees shall be open to the public.

21 (2) ORGANIZATION.--To elect a chair and vice chair for
22 each adoption. An employee of the department shall serve as
23 secretary to the committee and keep an accurate record of its
24 proceedings. All records of committee motions and votes, and
25 summaries of committee debate shall be incorporated into a
26 publishable document and shall be available for public
27 inspection and duplication.

28 (3) PROCEDURES.--To adhere to procedures prescribed by
29 the commissioner for evaluating instructional materials
30 submitted by publishers and manufacturers in each adoption.

31 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To

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1 evaluate carefully all instructional materials submitted, to
2 ascertain which instructional materials, if any, submitted for
3 consideration best implement the selection criteria developed
4 by the commissioner and those curricular objectives included
5 within applicable performance standards provided for in s.
6 1001.03(1).

7 (a) When recommending instructional materials for use
8 in the schools, each committee shall include only
9 instructional materials that accurately portray the ethnic,
10 socioeconomic, cultural, and racial diversity of our society,
11 including men and women in professional, career and technical,
12 and executive roles, and the role and contributions of the
13 entrepreneur and labor in the total development of this state
14 and the United States.

15 (b) When recommending instructional materials for use
16 in the schools, each committee shall include only materials
17 which accurately portray, whenever appropriate, humankind's
18 place in ecological systems, including the necessity for the
19 protection of our environment and conservation of our natural
20 resources and the effects on the human system of the use of
21 tobacco, alcohol, controlled substances, and other dangerous
22 substances.

23 (c) When recommending instructional materials for use
24 in the schools, each committee shall require such materials as
25 it deems necessary and proper to encourage thrift, fire
26 prevention, and humane treatment of people and animals.

27 (d) When recommending instructional materials for use
28 in the schools, each committee shall require, when appropriate
29 to the comprehension of students, that materials for social
30 science, history, or civics classes contain the Declaration of
31 Independence and the Constitution of the United States. No

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1 instructional materials shall be recommended by any committee
2 for use in the schools which contain any matter reflecting
3 unfairly upon persons because of their race, color, creed,
4 national origin, ancestry, gender, or occupation.

5 (e) All instructional materials recommended by each
6 committee for use in the schools shall be, to the satisfaction
7 of each committee, accurate, objective, and current and suited
8 to the needs and comprehension of students at their respective
9 grade levels. Instructional materials committees shall
10 consider for adoption materials developed for academically
11 talented students such as those enrolled in advanced placement
12 courses.

13 (5) REPORT OF COMMITTEE.--Each committee, after a
14 thorough study of all data submitted on each instructional
15 material, and after each member has carefully evaluated each
16 instructional material, shall present a written report to the
17 commissioner. Such report shall be made public, and shall
18 include:

19 (a) A description of the procedures used in
20 determining the instructional materials to be recommended to
21 the commissioner.

22 (b) Recommendations of instructional materials for
23 each grade and subject field in the curriculum of public
24 elementary, middle, and high schools in which adoptions are to
25 be made. If deemed advisable, the committee may include such
26 other information, expression of opinion, or recommendation as
27 would be helpful to the commissioner. If there is a
28 difference of opinion among the members of the committee as to
29 the merits of any instructional materials, any member may file
30 an expression of his or her individual opinion.

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1 The findings of the committees, including the evaluation of
2 instructional materials, shall be in sessions open to the
3 public. All decisions leading to determinations of the
4 committees shall be by roll call vote, and at no time will a
5 secret ballot be permitted.

6 Section 307. Section 1006.32, Florida Statutes, is
7 created to read:

8 1006.32 Prohibited acts.--

9 (1) No publisher or manufacturer of instructional
10 material, or any representative thereof, shall offer to give
11 any emolument, money, or other valuable thing, or any
12 inducement, to any district school board official or member of
13 a state-level instructional materials committee to directly or
14 indirectly introduce, recommend, vote for, or otherwise
15 influence the adoption or purchase of any instructional
16 materials.

17 (2) No district school board official or member of a
18 state instructional materials committee shall solicit or
19 accept any emolument, money, or other valuable thing, or any
20 inducement, to directly or indirectly introduce, recommend,
21 vote for, or otherwise influence the adoption or purchase of
22 any instructional material.

23 (3) No district school board or publisher may
24 participate in a pilot program of materials being considered
25 for adoption during the 18-month period before the official
26 adoption of the materials by the commissioner. Any pilot
27 program during the first 2 years of the adoption period must
28 have the prior approval of the commissioner.

29 (4) Any publisher or manufacturer of instructional
30 materials or representative thereof or any district school
31 board official or state instructional materials committee

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1 member, who violates any provision of this section commits a
2 misdemeanor of the second degree, punishable as provided in s.
3 775.082 or s. 775.083. Any representative of a publisher or
4 manufacturer who violates any provision of this section, in
5 addition to any other penalty, shall be banned from practicing
6 business in the state for a period of 1 calendar year. Any
7 district school board official or state instructional
8 materials committee member who violates any provision of this
9 section, in addition to any other penalty, shall be removed
10 from his or her official position.

11 (5) Nothing in this section shall be construed to
12 prevent any publisher, manufacturer, or agent from supplying,
13 for purposes of examination, necessary sample copies of
14 instructional materials to any district school board official
15 or instructional materials committee member.

16 (6) Nothing in this section shall be construed to
17 prevent a district school board official or instructional
18 materials committee member from receiving sample copies of
19 instructional materials.

20 (7) Nothing contained in this section shall be
21 construed to prohibit or restrict a district school board
22 official from receiving royalties or other compensation, other
23 than compensation paid to him or her as commission for
24 negotiating sales to district school boards, from the
25 publisher or manufacturer of instructional materials written,
26 designed, or prepared by such district school board official,
27 and adopted by the commissioner or purchased by any district
28 school board. No district school board official shall be
29 allowed to receive royalties on any materials not on the
30 state-adopted list purchased for use by his or her district
31 school board.

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1 (8) No district school superintendent, district school
2 board member, teacher, or other person officially connected
3 with the government or direction of public schools shall
4 receive during the months actually engaged in performing
5 duties under his or her contract any private fee, gratuity,
6 donation, or compensation, in any manner whatsoever, for
7 promoting the sale or exchange of any school book, map, or
8 chart in any public school, or be an agent for the sale or the
9 publisher of any school textbook or reference work, or be
10 directly or indirectly pecuniarily interested in the
11 introduction of any such textbook, and any such agency or
12 interest shall disqualify any person so acting or interested
13 from holding any district school board employment whatsoever,
14 and the person commits a misdemeanor of the second degree,
15 punishable as provided in s. 775.082 or s. 775.083; provided
16 that this subsection shall not be construed as preventing the
17 adoption of any book written in whole or in part by a Florida
18 author.

19 Section 308. Section 1006.33, Florida Statutes, is
20 created to read:

21 1006.33 Bids or proposals; advertisement and its
22 contents.--

23 (1)(a) Beginning on or before May 15 of any year in
24 which an instructional materials adoption is to be initiated,
25 the department shall advertise in the Florida Administrative
26 Weekly 4 weeks preceding the date on which the bids shall be
27 received, that at a certain designated time, not later than
28 June 15, sealed bids or proposals to be deposited with the
29 department will be received from publishers or manufacturers
30 for the furnishing of instructional materials proposed to be
31 adopted as listed in the advertisement beginning April 1

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1 following the adoption.

2 (b) The advertisement shall state that each bidder
3 shall furnish specimen copies of all instructional materials
4 submitted, at a time designated by the department, which
5 specimen copies shall be identical with the copies approved
6 and accepted by the members of the state instructional
7 materials committee, as prescribed in this section, and with
8 the copies furnished to the department and district school
9 superintendents, as provided in this part.

10 (c) The advertisement shall state that a contract
11 covering the adoption of the instructional materials shall be
12 for a definite term.

13 (d) The advertisement shall fix the time within which
14 the required contract must be executed and shall state that
15 the department reserves the right to reject any or all bids.

16 (e) The advertisement shall give information as to how
17 specifications which have been adopted by the department in
18 regard to paper, binding, cover boards, and mechanical makeup
19 can be secured. In adopting specifications, the department
20 shall make an exception for instructional materials that are
21 college-level texts and that do not meet department physical
22 specifications for secondary materials, if the publisher
23 guarantees replacement during the term of the contract.

24 (2) The bids submitted shall be for furnishing the
25 designated materials in accordance with specifications of the
26 department. The bid shall state the lowest wholesale price at
27 which the materials will be furnished, at the time the
28 adoption period provided in the contract begins, delivered
29 f.o.b. to the Florida depository of the publisher,
30 manufacturer, or bidder.

31 (3) The department shall require each publisher or

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1 manufacturer of instructional materials who submits a bid
2 under this part to deposit with the department such sum of
3 money or certified check as may be determined by the
4 department, the amount to be not less than \$500 and not more
5 than \$2,500, according to the number of instructional
6 materials covered by the bid, which deposit shall be forfeited
7 to the state and placed in the General Revenue Fund if the
8 bidder making the deposit fails or refuses to execute the
9 contract and bond within 30 days after receipt of the contract
10 in case his or her bid or proposal is accepted. The
11 commissioner shall, upon determining that the deposit is
12 correct and proper, transmit the deposit to the Treasurer, who
13 shall deposit the funds for credit to the Textbook Bid Trust
14 Fund and issue his or her official receipt.

15 (4) Specimen copies of all instructional materials
16 that have been made the bases of contracts under this part
17 shall, upon request for the purpose of public inspection, be
18 made available by the publisher to the department and the
19 district school superintendent of each district school board
20 that adopts the instructional materials from the state list
21 upon request for the purpose of public inspection. All
22 contracts and bonds executed under this part shall be signed
23 in triplicate. One copy of each contract and an original of
24 each bid, whether accepted or rejected, shall be preserved
25 with the department for at least 3 years after termination of
26 the contract.

27 Section 309. Section 1006.34, Florida Statutes, is
28 created to read:

29 1006.34 Powers and duties of the commissioner and the
30 department in selecting and adopting instructional
31 materials.--

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1 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL
2 MATERIALS.--The commissioner shall prescribe the procedures by
3 which the department shall evaluate instructional materials
4 submitted by publishers and manufacturers in each adoption.
5 Included in these procedures shall be provisions which afford
6 each publisher or manufacturer or his or her representative an
7 opportunity to present to members of the state instructional
8 materials committees the merits of each instructional material
9 submitted in each adoption.

10 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL

11 MATERIALS.--

12 (a) The department shall notify all publishers and
13 manufacturers of instructional materials who have submitted
14 bids that within 3 weeks after the deadline for receiving
15 bids, at a designated time and place, it will open the bids
16 submitted and deposited with it. At the time and place
17 designated, the bids shall be opened, read, and tabulated in
18 the presence of the bidders or their representatives. No one
19 may revise his or her bid after the bids have been filed.
20 When all bids have been carefully considered, the commissioner
21 shall, from the list of suitable, usable, and desirable
22 instructional materials reported by the state instructional
23 materials committee, select and adopt instructional materials
24 for each grade and subject field in the curriculum of public
25 elementary, middle, and high schools in which adoptions are
26 made and in the subject areas designated in the advertisement.
27 The adoption shall continue for the period specified in the
28 advertisement, beginning on the ensuing April 1. The adoption
29 shall not prevent the extension of a contract as provided in
30 subsection (3). The commissioner shall always reserve the
31 right to reject any and all bids. The commissioner may ask for

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1 new sealed bids from publishers or manufacturers whose
2 instructional materials were recommended by the state
3 instructional materials committee as suitable, usable, and
4 desirable; specify the dates for filing such bids and the date
5 on which they shall be opened; and proceed in all matters
6 regarding the opening of bids and the awarding of contracts as
7 required by this part. In all cases, bids shall be accompanied
8 by a cash deposit or certified check of from \$500 to \$2,500,
9 as the commissioner may direct. The department, in adopting
10 instructional materials, shall give due consideration both to
11 the prices bid for furnishing instructional materials and to
12 the report and recommendations of the state instructional
13 materials committee. When the commissioner has finished with
14 the report of the state instructional materials committee, the
15 report shall be filed and preserved with the department and
16 shall be available at all times for public inspection.

17 (b) In the selection of instructional materials,
18 library books, and other reading material used in the public
19 school system, the standards used to determine the propriety
20 of the material shall include:

21 1. The age of the students who normally could be
22 expected to have access to the material.

23 2. The educational purpose to be served by the
24 material. In considering instructional materials for classroom
25 use, priority shall be given to the selection of materials
26 which encompass the state and district school board
27 performance standards provided for in s. 1001.03(1) and which
28 include the instructional objectives contained within the
29 curriculum frameworks approved by rule of the State Board of
30 Education.

31 3. The degree to which the material would be

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1 supplemented and explained by mature classroom instruction as
2 part of a normal classroom instructional program.

3 4. The consideration of the broad racial, ethnic,
4 socioeconomic, and cultural diversity of the students of this
5 state.

6
7 No book or other material containing hard-core pornography or
8 otherwise prohibited by s. 847.012 shall be used or available
9 within any public school district.

10 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS;

11 BOND.--As soon as practicable after the commissioner has
12 adopted any instructional materials and all bidders that have
13 secured the adoption of any instructional materials have been
14 notified thereof by registered letter, the Department of Legal
15 Affairs shall prepare a contract in proper form with every
16 bidder awarded the adoption of any instructional materials.
17 Each contract shall be executed by the Governor and Secretary
18 of State under the seal of the state, one copy to be kept by
19 the contractor, one copy to be filed with the Department of
20 State, and one copy to be filed with the department. After
21 giving due consideration to comments by the district school
22 boards, the commissioner, with the agreement of the publisher,
23 may extend or shorten a contract period for a period not to
24 exceed 2 years; and the terms of any such contract shall
25 remain the same as in the original contract. Any publisher or
26 manufacturer to whom any contract is let under this part must
27 give bond in such amount as the commissioner requires, payable
28 to the state, conditioned for the faithful, honest, and exact
29 performance of the contract. The bond must provide for the
30 payment of reasonable attorney's fees in case of recovery in
31 any suit thereon. The surety on the bond must be a guaranty or

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1 surety company lawfully authorized to do business in the
2 state; however, the bond shall not be exhausted by a single
3 recovery but may be sued upon from time to time until the full
4 amount thereof is recovered, and the department may at any
5 time, after giving 30 days' notice, require additional
6 security or additional bond. The form of any bond or bonds or
7 contract or contracts under this part shall be prepared and
8 approved by the Department of Legal Affairs. At the discretion
9 of the commissioner, a publisher or manufacturer to whom any
10 contract is let under this part may be allowed a cash deposit
11 in lieu of a bond, conditioned for the faithful, honest, and
12 exact performance of the contract. The cash deposit, payable
13 to the department, shall be placed in the Textbook Bid Trust
14 Fund. The department may recover damages on the cash deposit
15 given by the contractor for failure to furnish instructional
16 materials, the sum recovered to inure to the General Revenue
17 Fund.

18 (4) REGULATIONS GOVERNING THE CONTRACT.--The
19 department may, from time to time, take any necessary actions,
20 consistent with this part, to secure the prompt and faithful
21 performance of all instructional materials contracts; and if
22 any contractor fails or refuses to furnish instructional
23 materials as provided in this part or otherwise breaks his or
24 her contract, the department may sue on the required bond in
25 the name of the state, in the courts of the state having
26 jurisdiction, and recover damages on the bond given by the
27 contractor for failure to furnish instructional materials, the
28 sum recovered to inure to the General Revenue Fund.

29 (5) RETURN OF DEPOSITS.--

30 (a) The successful bidder shall be notified by
31 registered mail of the award of contract and shall, within 30

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1 days after receipt of the contract, execute the proper
2 contract and post the required bond. When the bond and
3 contract have been executed, the department shall notify the
4 Comptroller and request that a warrant be issued against the
5 Textbook Bid Trust Fund payable to the successful bidder in
6 the amount deposited pursuant to this part. The Comptroller
7 shall issue and forward the warrant to the department for
8 distribution to the bidder.

9 (b) At the same time or prior thereto, the department
10 shall inform the Comptroller of the names of the unsuccessful
11 bidders. Upon receipt of such notice, the Comptroller shall
12 issue warrants against the Textbook Bid Trust Fund payable to
13 the unsuccessful bidders in the amounts deposited pursuant to
14 this part and shall forward the warrants to the department for
15 distribution to the unsuccessful bidders.

16 (c) One copy of each contract and an original of each
17 bid, whether accepted or rejected, shall be preserved with the
18 department for at least 3 years after the termination of the
19 contract.

20 (6) DEPOSITS FORFEITED.--If any successful bidder
21 fails or refuses to execute contract and bond within 30 days
22 after receipt of the contract, the cash deposit shall be
23 forfeited to the state and placed by the Treasurer in the
24 General Revenue Fund.

25 (7) FORFEITURE OF CONTRACT AND BOND.--If any publisher
26 or manufacturer of instructional materials fails or refuses to
27 furnish a book, or books, or other instructional materials as
28 provided in the contract, his or her bond is forfeited and the
29 department shall make another contract on such terms as it may
30 find desirable, after giving due consideration to the
31 recommendations of the commissioner.

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1 Section 310. Section 1006.35, Florida Statutes, is
2 created to read:

3 1006.35 Accuracy of instructional materials.--

4 (1) In addition to relying on statements of publishers
5 or manufacturers of instructional materials, the commissioner
6 may conduct or cause to be conducted an independent
7 investigation to determine the accuracy of state-adopted
8 instructional materials.

9 (2) When errors in state-adopted materials are
10 confirmed, the publisher of the materials shall provide to
11 each district school board that has purchased the materials
12 the corrections in a format approved by the commissioner.

13 (3) The commissioner may remove materials from the
14 list of state-adopted materials if he or she finds that the
15 content is in error and the publisher refuses to correct the
16 error when notified by the department.

17 (4) The commissioner may remove materials from the
18 list of state-adopted materials at the request of the
19 publisher if, in his or her opinion, there is no material
20 impact on the state's education goals.

21 Section 311. Section 1006.36, Florida Statutes, is
22 created to read:

23 1006.36 Term of adoption for instructional
24 materials.--

25 (1) The term of adoption of any instructional
26 materials must be a 6-year period beginning on April 1
27 following the adoption, except that the commissioner may
28 approve terms of adoption of less than 6 years for materials
29 in content areas which require more frequent revision. Any
30 contract for instructional materials may be extended as
31 prescribed in s. 1006.34(3).

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1 (2) The department shall publish annually an official
2 schedule of subject areas to be called for adoption for each
3 of the succeeding 2 years, and a tentative schedule for years
4 3, 4, 5, and 6. If extenuating circumstances warrant, the
5 commissioner may order the department to add one or more
6 subject areas to the official schedule, in which event the
7 commissioner shall develop criteria for such additional
8 subject area or areas and make them available to publishers as
9 soon as practicable before the date on which bids are due. The
10 schedule shall be developed so as to promote balance among the
11 subject areas so that the required expenditure for new
12 instructional materials is approximately the same each year in
13 order to maintain curricular consistency.

14 Section 312. Section 1006.37, Florida Statutes, is
15 created to read:

16 1006.37 Requisition of instructional materials from
17 publisher's depository.--

18 (1) The district school superintendent shall
19 requisition adopted instructional materials from the
20 depository of the publisher with whom a contract has been
21 made. However, the superintendent shall requisition current
22 instructional materials to provide each student with a
23 textbook or other materials as a major tool of instruction in
24 core courses of the subject areas specified in s. 1006.40(2).
25 These materials must be requisitioned within the first 2 years
26 of the adoption cycle, except for instructional materials
27 related to growth of student membership or instructional
28 materials maintenance needs. The superintendent may
29 requisition instructional materials in the core subject areas
30 specified in s. 1006.40(2) that are related to growth of
31 student membership or instructional materials maintenance

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1 needs during the 3rd, 4th, 5th, and 6th years of the original
2 contract period.

3 (2) The district school superintendent shall verify
4 that the requisition is complete and accurate and order the
5 depository to forward to him or her the adopted instructional
6 materials shown by the requisition. The depository shall
7 prepare an invoice of the materials shipped, including
8 shipping charges, and mail it to the superintendent to whom
9 the shipment is being made. The superintendent shall pay the
10 depository within 60 days after receipt of the requisitioned
11 materials from the appropriation for the purchase of adopted
12 instructional materials.

13 Section 313. Section 1006.38, Florida Statutes, is
14 created to read:

15 1006.38 Duties, responsibilities, and requirements of
16 instructional materials publishers and
17 manufacturers.--Publishers and manufacturers of instructional
18 materials, or their representatives, shall:

19 (1) Comply with all provisions of this part.

20 (2) Deliver fully developed specimen copies of all
21 instructional materials upon which bids are based to each
22 member of a state instructional materials committee. At the
23 conclusion of the review process, manufacturers submitting
24 samples of instructional materials are entitled to the return
25 thereof, at the expense of the manufacturers; or, in the
26 alternative, the manufacturers are entitled to reimbursement
27 by the individual committee members for the retail value of
28 the samples.

29 (3) Submit, at a time designated in s. 1006.33, the
30 following information:

31 (a) Detailed specifications of the physical

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1 characteristics of the instructional materials. The publisher
2 or manufacturer shall comply with these specifications if the
3 instructional materials are adopted and purchased in completed
4 form.

5 (b) Written proof that the publisher has provided
6 written correlations to appropriate curricular objectives
7 included within applicable performance standards provided for
8 in s. 1001.03(1).

9 (4) Make available for purchase by any district school
10 board any diagnostic, criterion-referenced, or other tests
11 that they may develop.

12 (5) Furnish the instructional materials offered by
13 them at a price in the state which, including all costs of
14 transportation to their depositories, shall not exceed the
15 lowest price at which they offer such instructional materials
16 for adoption or sale to any state or school district in the
17 United States.

18 (6) Reduce automatically the price of the
19 instructional materials to any district school board to the
20 extent that reductions are made elsewhere in the United
21 States.

22 (7) Provide any instructional materials free of charge
23 in the state to the same extent as they are provided free of
24 charge to any state or school district in the United States.

25 (8) Guarantee that all copies of any instructional
26 materials sold in this state will be at least equal in quality
27 to the copies of such instructional materials that are sold
28 elsewhere in the United States and will be kept revised, free
29 from all errors, and up-to-date as may be required by the
30 department.

31 (9) Agree that any supplementary material developed at

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1 the district or state level does not violate the author's or
2 publisher's copyright, provided such material is developed in
3 accordance with the doctrine of fair use.

4 (10) Not in any way, directly or indirectly, become
5 associated or connected with any combination in restraint of
6 trade in instructional materials, nor enter into any
7 understanding, agreement, or combination to control prices or
8 restrict competition in the sale of instructional materials
9 for use in the state.

10 (11) Maintain or contract with a depository in the
11 state.

12 (12) For the core subject areas specified in s.
13 1006.40(2), maintain in the depository for the first 2 years
14 of the contract an inventory of instructional materials
15 sufficient to receive and fill orders.

16 (13) For the core subject areas specified in s.
17 1006.40(2), ensure the availability of an inventory sufficient
18 to receive and fill orders for instructional materials for
19 growth, including the opening of a new school, and replacement
20 during the 3rd and subsequent years of the original contract
21 period.

22 (14) For all other subject areas, maintain in the
23 depository an inventory of instructional materials sufficient
24 to receive and fill orders.

25 (15) Accurately and fully disclose only the names of
26 those persons who actually authored the instructional
27 materials. In addition to the penalties provided in
28 subsection (17), the commissioner may remove from the list of
29 state-adopted instructional materials those instructional
30 materials whose publisher or manufacturer misleads the
31 purchaser by falsely representing genuine authorship.

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1 (16) Grant, without prior written request, for any
2 copyright held by the publisher or its agencies automatic
3 permission to the department or its agencies for the
4 reproduction of textbooks and supplementary materials in
5 braille or large print or in the form of sound recordings, for
6 use by visually impaired students or other students with
7 disabilities that would benefit from use of the materials.

8 (17) Upon the willful failure of the publisher or
9 manufacturer to comply with the requirements of this section,
10 be liable to the department in the amount of 3 times the total
11 sum which the publisher or manufacturer was paid in excess of
12 the price required under subsections (5) and (6) and in the
13 amount of 3 times the total value of the instructional
14 materials and services which the district school board is
15 entitled to receive free of charge under subsection (7).

16 Section 314. Section 1006.39, Florida Statutes, is
17 created to read:

18 1006.39 Production and dissemination of educational
19 materials and products by department.--

20 (1) Educational materials and products developed by or
21 under the direction of the department, through research and
22 development or other efforts, including those subject to
23 copyright, patent, or trademark, shall be made available for
24 use by teachers, students, administrators, and other
25 appropriate persons in the state system of education at the
26 earliest practicable date and in the most economical and
27 efficient manner possible.

28 (2) To accomplish this objective the department may
29 publish, produce, or have produced educational materials and
30 products and make them readily available for appropriate use
31 in the state system of education. The department may charge

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1 an amount adequate to cover the essential cost of producing
2 and disseminating such materials and products in the state
3 system of education and may sell copies for educational use to
4 private schools in the state and to the public.

5 (3) All proceeds from the sale of educational
6 materials and products shall be remitted to the Treasurer and
7 shall be kept in a separate fund to be known as the
8 "Educational Media and Technology Trust Fund" and, when
9 properly budgeted as approved by the Legislature and the
10 Executive Office of the Governor, used to pay the cost of
11 producing and disseminating educational materials and
12 products.

13 (4) In cases in which the educational materials or
14 products are of such nature, or the circumstances are such,
15 that it is not practicable or feasible for the department to
16 produce or have produced materials and products so developed,
17 it may, after review and approval by the Department of State,
18 license, lease, assign, sell, or otherwise give written
19 consent to any person, firm or corporation for the manufacture
20 or use thereof, on a royalty basis, or for such other
21 consideration as the department finds proper and in the best
22 interest of the state. The department shall protect
23 educational materials and products against improper or
24 unlawful use or infringement and enforce the collection of any
25 sums due for the manufacture or use thereof by any other
26 party.

27 (5) The department shall not enter into the business
28 of producing or publishing textbooks, or the contents therein,
29 for general use in classrooms.

30 Section 315. Section 1006.40, Florida Statutes, is
31 created to read:

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1 1006.40 Use of instructional materials allocation;
2 instructional materials, library books, and reference books;
3 repair of books.--

4 (1) On or before July 1 each year, the commissioner
5 shall certify to each district school superintendent the
6 estimated allocation of state funds for instructional
7 materials, computed pursuant to the provisions of s. 1011.67
8 for the ensuing fiscal year.

9 (2)(a) Each district school board must purchase
10 current instructional materials to provide each student with a
11 textbook or other instructional materials as a major tool of
12 instruction in core courses of the appropriate subject areas
13 of mathematics, language arts, science, social studies,
14 reading, and literature for kindergarten through grade 12.
15 Such purchase must be made within the first 2 years of the
16 effective date of the adoption cycle. Unless specifically
17 provided for in the General Appropriations Act, the cost of
18 instructional materials purchases required by this paragraph
19 shall not exceed the amount of the district's allocation for
20 instructional materials, pursuant to s. 1011.67, for the
21 previous 2 years.

22 (b) The requirement in paragraph (a) does not apply to
23 contracts in existence before April 1, 2000, or to a purchase
24 related to growth of student membership in the district or for
25 instructional materials maintenance needs.

26 (3)(a) Each district school board shall use the annual
27 allocation for the purchase of instructional materials
28 included on the state-adopted list, except as otherwise
29 authorized in paragraphs (b) and (c). No less than 50 percent
30 of the annual allocation shall be used to purchase items which
31 will be used to provide instruction to students at the level

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1 or levels for which the materials are designed.

2 (b) Up to 50 percent of the annual allocation may be
3 used for the purchase of instructional materials, including
4 library and reference books and nonprint materials, not
5 included on the state-adopted list and for the repair and
6 renovation of textbooks and library books.

7 (c) District school boards may use 100 percent of that
8 portion of the annual allocation designated for the purchase
9 of instructional materials for kindergarten, and 75 percent of
10 that portion of the annual allocation designated for the
11 purchase of instructional materials for first grade, to
12 purchase materials not on the state-adopted list.

13 (4) The funds described in subsection (3) which
14 district school boards may use to purchase materials not on
15 the state-adopted list shall be used for the purchase of
16 instructional materials or other items having intellectual
17 content which assist in the instruction of a subject or
18 course. These items may be available in bound, unbound, kit,
19 or package form and may consist of hardbacked or softbacked
20 textbooks, replacements for items which were part of
21 previously purchased instructional materials, consumables,
22 learning laboratories, manipulatives, electronic media,
23 computer courseware or software, and other commonly accepted
24 instructional tools as prescribed by district school board
25 rule. The funds available to district school boards for the
26 purchase of materials not on the state-adopted list may not be
27 used to purchase electronic or computer hardware even if such
28 hardware is bundled with software or other electronic media,
29 nor may such funds be used to purchase equipment or supplies.
30 However, when authorized to do so in the General
31 Appropriations Act, a school or district school board may use

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1 a portion of the funds available to it for the purchase of
2 materials not on the state-adopted list to purchase science
3 laboratory materials and supplies.

4 (5) Each district school board shall adopt rules, and
5 each district school superintendent shall implement
6 procedures, that will assure the maximum use by the students
7 of the authorized instructional materials.

8 (6) District school boards may issue purchase orders
9 subsequent to February 1 in an aggregate amount which does not
10 exceed 20 percent of the current year's allocation, and
11 subsequent to April 1 in an aggregate amount which does not
12 exceed 90 percent of the current year's allocation, for the
13 purpose of expediting the delivery of instructional materials
14 which are to be paid for from the ensuing year's allocation.

15 (7) In any year in which the total instructional
16 materials allocation for a school district has not been
17 expended or obligated prior to June 30, the district school
18 board shall carry forward the unobligated amount and shall add
19 it to the next year's allocation.

20 Section 316. Section 1006.41, Florida Statutes, is
21 created to read:

22 1006.41 Disposal of instructional materials.--

23 (1) Instructional materials that have become
24 unserviceable or surplus or are no longer on state contract
25 may be disposed of, under adopted rule of the district school
26 board, by:

27 (a) Giving or lending the materials to other public
28 education programs within the district or state, to the
29 teachers to use in developing supplementary teaching
30 materials, to students or others, or to any charitable
31 organization, governmental agency, home education students,

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1 private school, or state.

2 (b) Selling the materials to used book dealers,
3 recycling plants, pulp mills, or other persons, firms, or
4 corporations upon such terms as are most economically
5 advantageous to the district school board.

6 (2) The district school board may prescribe by rule
7 the manner for destroying instructional materials that cannot
8 be disposed of as provided in subsection (1).

9 (3) All moneys received for the sale, exchange, or
10 other disposition of instructional materials shall be
11 deposited in the district school fund and added to the
12 district appropriation for instructional materials.

13 (4) Instructional materials which have been sold,
14 exchanged, lost, destroyed, or damaged and for which proper
15 charges have been assessed and collected, and instructional
16 materials which have been destroyed by fire or storm damage or
17 by order of a competent health officer or the district school
18 superintendent, shall be dropped from the record of
19 instructional materials for which, as provided by law,
20 district school boards are held responsible.

21 Section 317. Section 1006.42, Florida Statutes, is
22 created to read:

23 1006.42 Responsibility of students and parents for
24 instructional materials.--

25 (1) All instructional materials purchased under the
26 provisions of this part are the property of the district
27 school board. When distributed to the students, these
28 instructional materials are on loan to the students while they
29 are pursuing their courses of study and are to be returned at
30 the direction of the school principal or the teacher in
31 charge. Each parent of a student to whom or for whom

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1 instructional materials have been issued, is liable for any
2 loss or destruction of, or unnecessary damage to, the
3 instructional materials or for failure of the student to
4 return the instructional materials when directed by the school
5 principal or the teacher in charge, and shall pay for such
6 loss, destruction, or unnecessary damage as provided by law.

7 (2) Nothing in this part shall be construed to
8 prohibit parents from exercising their right to purchase
9 instructional materials from the district school board.

10 Section 318. Section 1006.43, Florida Statutes, is
11 created to read:

12 1006.43 Expenses; budget request.--

13 (1) The commissioner shall include in the department's
14 annual legislative budget a request for funds in an amount
15 sufficient to provide the necessary expense for:

16 (a) The instructional materials committees.

17 (b) Instructional materials for use by partially
18 sighted students.

19 (c) Other specific and necessary state expenses with
20 regard to the instructional materials program.

21 (2) The department may arrange for distribution
22 adopted textbooks which are prepared in various media for the
23 use of partially sighted children enrolled in the Florida
24 schools.

25 Section 319. Part II of chapter 1006, Florida
26 Statutes, shall be entitled "Public Postsecondary Education
27 Support for Learning and Student Services" and shall consist
28 of ss. 1006.50-1006.71.

29 Section 320. Section 1006.50, Florida Statutes, is
30 created to read:

31 1006.50 Student handbooks.--

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1 (1) Each community college and state university shall
2 compile and update annually a student handbook that includes,
3 but is not limited to, a comprehensive calendar that
4 emphasizes important dates and deadlines, student rights and
5 responsibilities, appeals processes available to students, and
6 a roster of contact persons within the administrative staff
7 available to respond to student inquiries.

8 (2) Each student handbook shall list the legal and
9 institution-specific sanctions that will be imposed upon
10 students who violate the law or institutional policies
11 regarding controlled substances and alcoholic beverages.

12 (3) Each student handbook shall provide information
13 related to acquired immune deficiency syndrome (AIDS)
14 education or identify sites from which AIDS education
15 information may be obtained.

16 Section 321. Section 1006.51, Florida Statutes, is
17 created to read:

18 1006.51 Student ombudsman office.--

19 (1) There is created at each community college and
20 state university a student ombudsman office, which is
21 accountable to the president.

22 (2) Each institution must have an established
23 procedure by which a student may appeal to the office of the
24 ombudsman a decision that is related to the student's access
25 to courses and credit granted toward the degree. Detailed
26 information concerning this procedure must be included in the
27 institution's catalog.

28 (3) Each community college and state university shall
29 develop minimum standards for the role of ombudsman or student
30 advocate. The standards shall address the issue of
31 notification of students of opportunities for assistance or

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1 appeal.

2 Section 322. Section 1006.52, Florida Statutes, is
3 created to read:

4 1006.52 Student records.--

5 (1) Each university may prescribe the content and
6 custody of records and reports which the university may
7 maintain on its students. Such records are confidential and
8 exempt from the provisions of s. 119.07(1) and are open to
9 inspection only as provided in s. 1002.22.

10 (2) Rules of the State Board of Education may
11 prescribe the content and custody of records and reports which
12 a community college may maintain on its students. Such records
13 are confidential and exempt from s. 119.07(1) and are open to
14 inspection only as provided in s. 1002.22.

15 Section 323. Section 1006.53, Florida Statutes, is
16 created to read:

17 1006.53 Religious observances.--Each public
18 postsecondary educational institution shall adopt a policy in
19 accordance with rules of the State Board of Education which
20 reasonably accommodates the religious observance, practice,
21 and belief of individual students in regard to admissions,
22 class attendance, and the scheduling of examinations and work
23 assignments. Each policy shall include a grievance procedure
24 by which a student who believes that he or she has been
25 unreasonably denied an educational benefit due to his or her
26 religious belief or practices may seek redress. Such policy
27 shall be made known to faculty and students annually in
28 inclusion in the institution's handbook, manual, or other
29 similar document regularly provided to faculty and students.

30 Section 324. Section 1006.54, Florida Statutes, is
31 created to read:

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1 1006.54 Universities; public documents distributed to
2 libraries.--The general library of each state university may
3 receive copies of reports of state officials, departments, and
4 institutions and all other state documents published by the
5 state. Each officer of the state empowered by law to
6 distribute such public documents may transmit without charge,
7 except for payment of shipping costs, the number of copies of
8 each public document desired upon requisition from the
9 librarian. It is the duty of the library to keep public
10 documents in a convenient form accessible to the public. The
11 library, under rules formulated by the university board of
12 trustees, is authorized to exchange documents for those of
13 other states, territories, and countries.

14 Section 325. Section 1006.55, Florida Statutes, is
15 created to read:

16 1006.55 Law libraries of certain institutions of
17 higher learning designated as state legal depositories.--

18 (1) The law libraries of the University of Florida,
19 Florida State University, Florida International University,
20 Florida Agricultural and Mechanical University, Stetson
21 University, Nova University, and the University of Miami are
22 designated as state legal depositories.

23 (2) Each officer of the state empowered by law to
24 distribute legal publications may transmit, upon payment of
25 shipping costs or cash on delivery, to the state legal
26 depositories copies of such publications as requested.
27 However, the number of copies transmitted shall be limited to:

28 (a) Eight copies of each volume of General Acts and
29 each volume of Special Acts to each of the state legal
30 depositories;

31 (b) Up to a maximum number of each volume of the

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1 Florida Statutes and each supplement volume, computed on the
2 basis of one set for every 10 students enrolled during the
3 school year, based upon the average enrollment as certified by
4 the registrar; and

5 (c) One copy of each journal of the House of
6 Representatives and each journal of the Senate to each state
7 legal depository.

8 (3) It is the duty of the librarian of any depository
9 to keep all public documents in a convenient form accessible
10 to the public.

11 (4) The libraries of all community colleges are
12 designated as state depositories for the Florida Statutes and
13 supplements published by or under the authority of the state;
14 these depositories each may receive upon request one copy of
15 each volume without charge, except for payment of shipping
16 costs.

17 Section 326. Section 1006.56, Florida Statutes, is
18 created to read:

19 1006.56 Specified university publications; activities;
20 trust funds.--

21 (1) Subject to the approval of the appropriate
22 university, the Florida Law Review, the Florida State
23 University Law Review, the Florida State University Journal of
24 Land Use and Environmental Law, the University of Florida
25 Journal of Law and Public Policy, and the Florida
26 International Law Journal of the University of Florida are
27 authorized to engage in the following activities relating to
28 their respective publications, notwithstanding the contrary
29 provision of any statute, rule, or regulation of the state or
30 its subdivisions or agencies:

31 (a) The grant of reprint rights relating to any or all

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1 issues of the Florida Law Review, the Florida State University
2 Law Review, the Florida State University Journal of Land Use
3 and Environmental Law, the University of Florida Journal of
4 Law and Public Policy, or the Florida International Law
5 Journal of the University of Florida, or any of the materials,
6 articles, or ideas contained therein;

7 (b) The sale for adequate consideration of any or all
8 past or future stock and inventory of published issues of the
9 Florida Law Review, the Florida State University Law Review,
10 the Florida State University Journal of Land Use and
11 Environmental Law, the University of Florida Journal of Law
12 and Public Policy, or the Florida International Law Journal of
13 the University of Florida, or portions thereof; and

14 (c) The retention of the proceeds obtained under
15 paragraph (a) or paragraph (b) together with all moneys
16 received by the Florida Law Review or the Florida State
17 University Law Review from current or future subscriptions,
18 sale of individual issues, sale of advertising, binding
19 service, royalties, donations, and all other sources except
20 direct or indirect appropriations from the state, its
21 subdivisions, or agencies.

22 (2) Moneys retained by the Florida Law Review pursuant
23 to this section shall be placed in a trust fund to be known as
24 the Florida Law Review Trust Fund. Moneys retained by the
25 Florida State University Law Review pursuant to this section
26 shall be placed in a trust fund to be known as the Florida
27 State University Law Review Trust Fund. Moneys retained by the
28 Florida State University Journal of Land Use and Environmental
29 Law pursuant to this section shall be placed in a trust fund
30 to be known as the Florida State University Journal of Land
31 Use and Environmental Law Trust Fund. Moneys retained by the

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1 University of Florida Journal of Law and Public Policy
2 pursuant to this section shall be placed in a trust fund to be
3 known as the University of Florida Journal of Law and Public
4 Policy Trust Fund. Moneys retained by the Florida
5 International Law Journal of the University of Florida
6 pursuant to this section shall be placed in a trust fund to be
7 known as the Florida International Law Journal of the
8 University of Florida Trust Fund. Such trust funds shall be
9 used to pay or supplement the payment of printing costs or
10 other costs incident to the publication of the respective law
11 reviews and law journals and shall be administered by the dean
12 of each college of law or his or her faculty designee.

13 (3) Printing of such publications shall be let upon
14 contract to the lowest responsive bidder, in accordance with
15 s. 283.33, except when the additional costs incurred in
16 changing from the current printer to the new low bidder exceed
17 the savings reflected in the bid prices. Such additional costs
18 shall not exceed 10 percent of the lowest bid price.

19 Section 327. Section 1006.57, Florida Statutes, is
20 created to read:

21 1006.57 Certain books furnished by Clerk of Supreme
22 Court.--

23 (1) The Clerk of the Supreme Court of the state shall
24 furnish the State Board of Education three bound copies of
25 each volume of the Florida Supreme Court Reports as the same
26 are issued and published for the use of the schools of law of
27 the University of Florida, the Florida State University,
28 Florida International University, and Florida Agricultural and
29 Mechanical University.

30 (2) The Clerk of the Supreme Court shall transmit to
31 said schools of law any law books coming into his or her

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1 possession for the Supreme Court which are not necessary for
2 said court. The clerk of said court shall furnish said Supreme
3 Court Reports and said surplus law books without cost to said
4 law schools.

5 Section 328. Section 1006.58, Florida Statutes, is
6 created to read:

7 1006.58 Collections management for museums and
8 galleries of state universities.--

9 (1) State universities may enter into contracts or
10 agreements with or without competitive bidding, as
11 appropriate, for the restoration of objects of art, art
12 history, or natural history in their collections or for the
13 purchase of objects of art, art history, or natural history
14 which are to be added to their collections.

15 (2) State universities may sell any art, art history,
16 or natural history object in their museum or gallery
17 collections if the university determines that it is no longer
18 appropriate for the collection. The proceeds of the sale shall
19 be deposited in the Acquisition, Restoration, and Conservation
20 Trust Fund or other appropriate trust fund of the university.
21 Each state university museum or gallery shall function
22 entirely separate from every state university museum or
23 gallery. State universities also may exchange any art, art
24 history, or natural history object which the university
25 museums or galleries judge is of equivalent or greater value
26 to their museums or galleries.

27 (3) No employee, representative, or agent of a
28 university shall receive a commission, fee, or financial
29 benefit in connection with the sale or exchange of a work of
30 art, art history, or natural history, nor may he or she be a
31 business associate of any individual, firm, or organization

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1 involved in the sale or exchange.

2 (4)(a) Each university may establish an Acquisition,
3 Restoration, and Conservation Trust Fund or utilize an
4 appropriate existing trust fund.

5 (b) The president of each university may delegate the
6 following authority to the museum or gallery directors and
7 governing bodies of the museums or galleries:

8 1. To enter into contracts for the restoration or
9 purchase of art, art history, or natural history objects, with
10 or without competitive bidding, as appropriate.

11 2. To sell art, art history, or natural history
12 objects in museum or gallery collections, the proceeds of
13 which shall be deposited in the Acquisition, Restoration, and
14 Conservation Trust Fund or other appropriate existing trust
15 fund.

16 3. To exchange art, art history, or natural history
17 objects of equal or greater value with any other state
18 university.

19 Section 329. Section 1006.59, Florida Statutes, is
20 created to read:

21 1006.59 The Historically Black College and University
22 Library Improvement Program.--

23 (1) It is the intent of the Legislature to enhance the
24 quality of the libraries at Florida Agricultural and
25 Mechanical University, Bethune-Cookman College, Edward Waters
26 College, and Florida Memorial College.

27 (2) There is created the Historically Black College
28 and University Library Improvement Program to be administered
29 by the Department of Education. The primary objectives of the
30 program shall be to increase each library's holdings by 500 to
31 1,000 books per year, to increase library use by students and

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1 faculty, and to enhance the professional growth of librarians
2 by providing inservice training. At least 50 percent of
3 library acquisitions shall be in the humanities, with the
4 balance to be in all other disciplines. It is the intent of
5 the Legislature to provide general revenue funds each year to
6 support this program.

7 (3) Each institution shall submit to the State Board
8 of Education a plan for enhancing its library through the
9 following activities:

10 (a) Each institution shall increase the number of
11 volumes by purchasing replacement books and new titles. Funds
12 shall not be used to purchase periodicals or nonprint media.
13 The goal of these purchases is to meet the needs of students
14 and faculty in disciplines that have recently been added to
15 the curriculum, in traditional academic fields that have been
16 expanded, or in academic fields in which rapid changes in
17 technology result in accelerated obsolescence of related
18 library holdings.

19 (b) A committee composed of librarians and faculty at
20 each institution shall assess the adequacy of library holdings
21 in all academic areas. The committee shall develop a list of
22 resources that need to be replaced. Based on its assessment of
23 the current collection, the committee shall develop a
24 prioritized list of recommended acquisitions and shall submit
25 such list to the college or university president.

26 Section 330. Section 1006.60, Florida Statutes, is
27 created to read:

28 1006.60 Codes of conduct; disciplinary measures;
29 rulemaking authority.--

30 (1) Each community college and state university may
31 adopt, by rule, codes of conduct and appropriate penalties for

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1 violations of rules by students, to be administered by the
2 institution. Such penalties, unless otherwise provided by law,
3 may include: reprimand; restitution; fines; withholding of
4 diplomas or transcripts pending compliance with rules,
5 completion of any student judicial process or sanction, or
6 payment of fines; restrictions on the use of or removal from
7 campus facilities; community service; educational
8 requirements; and the imposition of probation, suspension,
9 dismissal, or expulsion.

10 (2) Each community college and state university may
11 adopt, by rule, a code of conduct and appropriate penalties
12 for violations of rules by student organizations, to be
13 administered by the institution. Such penalties, unless
14 otherwise provided by law, may include: reprimand;
15 restitution; suspension, cancellation, or revocation of the
16 registration or official recognition of a student
17 organization; and restrictions on the use of, or removal from,
18 campus facilities.

19 (3) Sanctions authorized by such codes of conduct may
20 be imposed only for acts or omissions in violation of rules
21 adopted by the institution, including rules adopted under this
22 section, rules of the State Board of Education, county and
23 municipal ordinances, and the laws of this state, the United
24 States, or any other state.

25 (4) Each community college and state university may
26 establish and adopt, by rule, codes of appropriate penalties
27 for violations of rules governing student academic honesty.
28 Such penalties, unless otherwise provided by law, may include:
29 reprimand; reduction of grade; denial of academic credit;
30 invalidation of university credit or of the degree based upon
31 such credit; probation; suspension; dismissal; or expulsion.

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1 In addition to any other penalties that may be imposed, an
2 individual may be denied admission or further registration,
3 and the institution may invalidate academic credit for work
4 done by a student and may invalidate or revoke the degree
5 based upon such credit if it is determined that the student
6 has made false, fraudulent, or incomplete statements in the
7 application, residence affidavit, or accompanying documents or
8 statements in connection with, or supplemental to, the
9 application for admission to or graduation from the
10 institution.

11 (5) Each community college and state university shall
12 adopt rules for the lawful discipline of any student who
13 intentionally acts to impair, interfere with, or obstruct the
14 orderly conduct, processes, and functions of the institution.
15 Said rules may apply to acts conducted on or off campus when
16 relevant to such orderly conduct, processes, and functions.

17 Section 331. Section 1006.61, Florida Statutes, is
18 created to read:

19 1006.61 Participation by students in disruptive
20 activities at public postsecondary educational institution;
21 penalties.--

22 (1) Any person who accepts the privilege extended by
23 the laws of this state of attendance at any public
24 postsecondary educational institution shall, by attending such
25 institution, be deemed to have given his or her consent to the
26 policies of that institution, the State Board of Education,
27 and the laws of this state. Such policies shall include
28 prohibition against disruptive activities at public
29 postsecondary educational institutions.

30 (2) After it has been determined that a student of a
31 state institution of higher learning has participated in

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1 disruptive activities, such student may be immediately
2 expelled from the institution for a minimum of 2 years.

3 Section 332. Section 1006.62, Florida Statutes, is
4 created to read:

5 1006.62 Expulsion and discipline of students of
6 community colleges and state universities.--

7 (1) Each student in a community college or state
8 university is subject to federal and state law, respective
9 county and municipal ordinances, and all rules and regulations
10 of the State Board of Education or board of trustees of the
11 institution.

12 (2) Violation of these published laws, ordinances, or
13 rules and regulations may subject the violator to appropriate
14 action by the institution's authorities.

15 (3) Each president of a community college or state
16 university may, after notice to the student of the charges and
17 after a hearing thereon, to expel, suspend, or otherwise
18 discipline any student who is found to have violated any law,
19 ordinance, or rule or regulation of the State Board of
20 Education or of the board of trustees of the institution. A
21 student may be entitled to waiver of expulsion:

22 (a) If the student provides substantial assistance in
23 the identification, arrest, or conviction of any of his or her
24 accomplices, accessories, coconspirators, or principals or of
25 any other person engaged in violations of chapter 893 within a
26 state university or community college;

27 (b) If the student voluntarily discloses his or her
28 violations of chapter 893 prior to his or her arrest; or

29 (c) If the student commits himself or herself, or is
30 referred by the court in lieu of sentence, to a state-licensed
31 drug abuse program and successfully completes the program.

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1 Section 333. Section 1006.63, Florida Statutes, is
2 created to read:

3 1006.63 Hazing prohibited.--

4 (1) As used in this section, "hazing" means any action
5 or situation that recklessly or intentionally endangers the
6 mental or physical health or safety of a student for the
7 purpose of initiation or admission into or affiliation with
8 any organization operating under the sanction of a
9 postsecondary institution. Such term includes, but is not
10 limited to, any brutality of a physical nature, such as
11 whipping, beating, branding, forced calisthenics, exposure to
12 the elements, forced consumption of any food, liquor, drug, or
13 other substance, or other forced physical activity which could
14 adversely affect the physical health or safety of the student,
15 and also includes any activity which would subject the student
16 to extreme mental stress, such as sleep deprivation, forced
17 exclusion from social contact, forced conduct which could
18 result in extreme embarrassment, or other forced activity
19 which could adversely affect the mental health or dignity of
20 the student.

21 (2) Public and nonpublic postsecondary educational
22 institutions whose students receive state student financial
23 assistance must adopt a written antihazing policy and under
24 such policy must adopt rules prohibiting students or other
25 persons associated with any student organization from engaging
26 in hazing.

27 (3) Public and nonpublic postsecondary educational
28 institutions must provide a program for the enforcement of
29 such rules and must adopt appropriate penalties for violations
30 of such rules, to be administered by the person at the
31 institution responsible for the sanctioning of such

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1 organizations.

2 (a) Such penalties at community colleges and state
3 universities may include the imposition of fines; the
4 withholding of diplomas or transcripts pending compliance with
5 the rules or pending payment of fines; and the imposition of
6 probation, suspension, or dismissal.

7 (b) In the case of an organization at a community
8 college or state university which authorizes hazing in blatant
9 disregard of such rules, penalties may also include rescission
10 of permission for that organization to operate on campus
11 property or to otherwise operate under the sanction of the
12 institution.

13 (c) All penalties imposed under the authority of this
14 subsection shall be in addition to any penalty imposed for
15 violation of any of the criminal laws of this state or for
16 violation of any other rule of the institution to which the
17 violation may be subject.

18 (4) Rules adopted pursuant hereto shall apply to acts
19 conducted on or off campus whenever such acts are deemed to
20 constitute hazing.

21 (5) Upon approval of the antihazing policy of a
22 community college or state university and of the rules and
23 penalties adopted pursuant thereto, the institution shall
24 provide a copy of such policy, rules, and penalties to each
25 student enrolled in that institution and shall require the
26 inclusion of such policy, rules, and penalties in the bylaws
27 of every organization operating under the sanction of the
28 institution.

29 Section 334. Section 1006.64, Florida Statutes, is
30 created to read:

31 1006.64 Suspension and removal from office of elected

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1 student government officials; referendum.--The student
2 government association of each community college and state
3 university shall establish a process to provide for the
4 removal from office of any elected student government official
5 who has been convicted of a violation of criminal law or has
6 been found civilly liable for an act of moral turpitude, after
7 all available rights of judicial appeal have been exercised or
8 waived or have expired. The process shall include a procedure
9 for the immediate suspension of the student government
10 official from elected office following the conviction or civil
11 finding and during any appeal, and shall provide for the
12 temporary successor to the subject office pending completion
13 of any appeal. The process must also include a procedure for
14 registered students to petition for a referendum recommending
15 to the student government association the removal of a student
16 official from elected office. The referendum must be held
17 within 60 days of filing of the petition. The recommendation
18 to remove the subject official from elected office shall be
19 made by majority vote of the students participating in the
20 referendum. The action of a student government association
21 under this section shall be subject to an appeal to the
22 university or community college president or designee.

23 Section 335. Section 1006.65, Florida Statutes, is
24 created to read:

25 1006.65 Safety issues in courses offered by public
26 postsecondary educational institutions.--

27 (1) The State Board of Education shall adopt rules to
28 ensure that policies and procedures are in place to protect
29 the health and safety of students, instructional personnel,
30 and visitors who participate in courses offered by a public
31 postsecondary educational institution.

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1 (2) Such policies and procedures shall be guided by
2 industry standards for practices in the course content area
3 and shall conform with all related and relevant state and
4 federal health and safety requirements.

5 Section 336. Section 1006.66, Florida Statutes, is
6 created to read:

7 1006.66 Regulation of traffic at universities.--

8 (1) As defined under this section:

9 (a) "Traffic," when used as a noun, means the use or
10 occupancy of, and the movement in, on, or over, streets, ways,
11 walks, roads, alleys, and parking areas by vehicles,
12 pedestrians, or ridden or herded animals.

13 (b) "Adjacent municipality" means a municipality which
14 is contiguous or adjacent to, or which contains within its
15 boundaries all or part of the grounds of, a university; except
16 that, if the grounds of a university are not within or
17 contiguous to a municipality, "adjacent municipality" means
18 the county seat of the county which contains within its
19 boundaries all or part of the grounds of the university.

20 (c) "Grounds" includes all of the campus and grounds
21 of the university, whether it be the campus proper or outlying
22 or noncontiguous land of the university within the county.

23 (d) "Law enforcement officers" include municipal
24 police, patrol officers, traffic officers, sheriffs, deputies,
25 highway patrol officers, and county traffic officers assigned
26 to duty on the grounds of the university; campus police,
27 traffic officers, guards, parking patrollers, and other
28 noncommissioned personnel designated for traffic purposes by
29 the university; and other law enforcement officers as defined
30 in s. 943.10(1).

31 (e) "University traffic infraction" means a

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1 noncriminal violation of university parking and traffic rules
2 which is not included under s. 318.14 or s. 318.17 or any
3 municipal ordinance, which is not punishable by incarceration,
4 and for which there is no right to trial by jury or to
5 court-appointed counsel.

6 (f) "Traffic authority" means an individual or a group
7 of individuals at each university, authorized and appointed by
8 the president of the university to adjudicate university
9 traffic infractions.

10 (2) Each university board of trustees shall adopt
11 rules that govern traffic on the grounds of the university;
12 that provide penalties for the infraction of such traffic
13 rules; and that the university finds necessary, convenient, or
14 advisable for the safety or welfare of the students, faculty
15 members, or other persons. Copies of the rules shall be posted
16 at the university on public bulletin boards where notices are
17 customarily posted, filed with the city clerk or corresponding
18 municipal or county officer, and made available to any person
19 requesting same. When adopted, the rules shall be enforceable
20 as herein provided. All ordinances of the adjacent
21 municipality relating to traffic that are not in conflict or
22 inconsistent with the traffic rules adopted by the individual
23 university shall extend and be applicable to the grounds of
24 the university. The provisions of chapter 316 shall extend and
25 be applicable to the grounds of the university, and the rules
26 adopted by the individual university shall not conflict with
27 any section of that chapter.

28 (3) Any person who violates any of those rules adopted
29 by the individual institution shall be deemed to have
30 committed a university traffic infraction and shall be fined
31 or penalized as provided by the rules adopted by the

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1 institution. Any person who violates any traffic regulation
2 enumerated in chapter 316 shall be charged, and the cause
3 shall proceed, in accordance with chapters 316 and 318.

4 (4) A person charged with a university traffic
5 infraction shall elect the option prescribed in paragraph (a)
6 or the option prescribed in paragraph (b). If neither option
7 is exercised within the prescribed time by the person charged
8 with a university traffic infraction, an additional fine or
9 penalty may be assessed, and shall be payable, in accordance
10 with the rules of the university.

11 (a) The person charged may pay the applicable
12 infraction fine, either by mail or in person, within the time
13 period specified in the rules of the individual university. A
14 schedule of infraction fines applicable to each university
15 shall be adopted by the university.

16 (b) The person charged may elect to appear before the
17 university traffic authority for administrative determination
18 pursuant to procedures enumerated in the rules of such
19 university.

20 (5) Each university is authorized to approve the
21 establishment of a university traffic authority to hear
22 violations of traffic rules. In such cases as come before the
23 authority, the university traffic authority shall determine
24 whether the person is guilty or not guilty of the charge. In
25 the case of a finding of guilt, the authority shall, in its
26 discretion, impose an appropriate penalty pursuant to
27 subsection (3).

28 (6) This section shall provide the exclusive
29 procedures for the adjudication of university traffic
30 infractions.

31 (7) Moneys collected from parking assessments and

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1 infraction fines shall be deposited in appropriate funds and
2 shall be used to defray the administrative and operating costs
3 of the traffic and parking program at the institution, to
4 provide for additional parking facilities on campus, or for
5 student loan purposes.

6 Section 337. Section 1006.67, Florida Statutes, is
7 created to read:

8 1006.67 Report of campus crime statistics and
9 assessment of physical plant safety.--

10 (1) Each postsecondary educational institution shall
11 prepare an annual report of campus crime statistics for
12 submission to the Department of Education. The data for these
13 reports may be taken from the Florida Department of Law
14 Enforcement Annual Report. The Department of Education shall
15 prescribe the format for institutional submission.

16 (2) Each postsecondary institution shall prepare a
17 report of crime statistics as reported under subsection (1)
18 for the most recent 3-year period. The report shall be updated
19 annually. The institution shall give notice that this report
20 is available upon request.

21 (3) The Commissioner of Education shall convey the
22 reports required by this section to the President of the
23 Senate and the Speaker of the House of Representatives no
24 later than March 1 of each year.

25 Section 338. Section 1006.68, Florida Statutes, is
26 created to read:

27 1006.68 HIV and AIDS policy.--Each community college
28 and state university shall develop a comprehensive policy that
29 addresses the provision of instruction, information, and
30 activities regarding human immunodeficiency virus infection
31 and acquired immune deficiency syndrome. Such instruction,

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1 information, or activities shall emphasize the known modes of
2 transmission of human immunodeficiency virus infection and
3 acquired immune deficiency syndrome, signs and symptoms,
4 associated risk factors, appropriate behavior and attitude
5 change, and means used to control the spread of human
6 immunodeficiency virus infection and acquired immune
7 deficiency syndrome.

8 Section 339. Section 1006.69, Florida Statutes, is
9 created to read:

10 1006.69 Vaccination against meningococcal meningitis
11 and hepatitis B.--

12 (1) A postsecondary educational institution shall
13 provide detailed information concerning the risks associated
14 with meningococcal meningitis and hepatitis B and the
15 availability, effectiveness, and known contraindications of
16 any required or recommended vaccine to every student, or to
17 the student's parent if the student is a minor, who has been
18 accepted for admission.

19 (2) An individual enrolled in a postsecondary
20 educational institution who will be residing in on-campus
21 housing shall provide documentation of vaccinations against
22 meningococcal meningitis and hepatitis B unless the
23 individual, if the individual is 18 years of age or older, or
24 the individual's parent, if the individual is a minor,
25 declines the vaccinations by signing a separate waiver for
26 each of these vaccines, provided by the institution,
27 acknowledging receipt and review of the information provided.

28 (3) This section does not require any postsecondary
29 educational institution to provide or pay for vaccinations
30 against meningococcal meningitis and hepatitis B.

31 Section 340. Section 1006.70, Florida Statutes, is

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1 created to read:

2 1006.70 Sponsorship of athletic activities similar to
3 those for which scholarships offered; rulemaking.--

4 (1) If a district school board sponsors an athletic
5 activity or sport that is similar to a sport for which a
6 community college or state university offers an athletic
7 scholarship, it must sponsor the athletic activity or sport
8 for which a scholarship is offered. This section does not
9 affect academic requirements for participation or prevent the
10 districts or community colleges from sponsoring activities in
11 addition to those for which scholarships are provided.

12 (2) If a community college sponsors an athletic
13 activity or sport that is similar to a sport for which a state
14 university offers an athletic scholarship, it must sponsor the
15 athletic activity or sport for which a scholarship is offered.

16 (3) Two athletic activities or sports that are similar
17 may be offered simultaneously.

18 (4) If the level of participation is insufficient to
19 warrant continuation of an athletic activity or sport, the
20 school may offer an alternative athletic activity or sport.

21 (5) The State Board of Education shall adopt rules to
22 administer this section, including rules that determine which
23 athletic activities are similar to sports for which public
24 postsecondary educational institutions offer scholarships.

25 Section 341. Section 1006.71, Florida Statutes, is
26 created to read:

27 1006.71 Gender equity in intercollegiate athletics.--

28 (1) GENDER EQUITY PLAN.--

29 (a) Each community college and state university shall
30 develop a gender equity plan pursuant to s. 1000.05.

31 (b) The plan shall include consideration of equity in

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1 sports offerings, participation, availability of facilities,
2 scholarship offerings, and funds allocated for administration,
3 recruitment, comparable coaching, publicity and promotion, and
4 other support costs.

5 (c) The Commissioner of Education shall annually
6 assess the progress of each institution's plan and advise the
7 State Board of Education regarding compliance.

8 (d) Each board of trustees of a public community
9 college or state university shall annually evaluate the
10 presidents on the extent to which the gender equity goals have
11 been achieved.

12 (e) To determine the proper level of support for
13 women's athletic scholarships, an equity plan may determine,
14 where appropriate, that support for women's scholarships may
15 be disproportionate to the support of scholarships for men.

16 (f) If a community college or state university is not
17 in compliance with Title IX of the Education Amendments of
18 1972 and the Florida Educational Equity Act, the State Board
19 of Education shall:

20 1. Declare the institution ineligible for competitive
21 state grants.

22 2. Withhold funds sufficient to obtain compliance.

23
24 The institution shall remain ineligible and the funds shall
25 not be paid until the institution comes into compliance or the
26 Commissioner of Education approves a plan for compliance.

27 (2) FUNDING.--

28 (a) An equitable portion of all separate athletic fees
29 shall be designated for women's intercollegiate athletics.

30 (b) The level of funding and percentage share of
31 support for women's intercollegiate athletics shall be

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1 determined by the State Board of Education. The level of
2 funding and percentage share attained in the 1980-1981 fiscal
3 year shall be the minimum level and percentage maintained by
4 each institution, except as the State Board of Education
5 otherwise directs for the purpose of assuring equity.
6 Consideration shall be given by the State Board of Education
7 to emerging athletic programs at institutions which may not
8 have the resources to secure external funds to provide
9 athletic opportunities for women. It is the intent that the
10 effect of any redistribution of funds among institutions shall
11 not negate the requirements as set forth in this section.

12 (c) In addition to the above amount, an amount equal
13 to the sales taxes collected from admission to athletic events
14 sponsored by a state university shall be retained and utilized
15 by each university to support women's athletics.

16 (3) STATE BOARD OF EDUCATION.--The State Board of
17 Education shall assure equal opportunity for female athletes
18 and establish:

19 (a) Guidelines for reporting of intercollegiate
20 athletics data concerning financial, program, and facilities
21 information for review by the State Board of Education
22 annually.

23 (b) Systematic audits for the evaluation of such data.

24 (c) Criteria for determining and assuring equity.

25 Section 342. Chapter 1007, Florida Statutes, shall be
26 entitled "Articulation and Access" and shall consist of ss.
27 1007.01-1007.34.

28 Section 343. Part I of chapter 1007, Florida Statutes,
29 shall be entitled "General Provisions" and shall consist of s.
30 1007.01.

31 Section 344. Section 1007.01, Florida Statutes, is

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1 created to read:

2 1007.01 Articulation; legislative intent; purpose;
3 role of the State Board of Education.--

4 (1) It is the intent of the Legislature to facilitate
5 articulation and seamless integration of the K-20 education
6 system by building and sustaining relationships among K-20
7 public organizations, between public and private
8 organizations, and between the education system as a whole and
9 Florida's communities. The purpose of building and sustaining
10 these relationships is to provide for the efficient and
11 effective progression and transfer of students within the
12 education system and to allow students to proceed toward their
13 educational objectives as rapidly as their circumstances
14 permit.

15 (2) To improve and facilitate articulation systemwide,
16 the State Board of Education shall develop policies and
17 guidelines with input from statewide K-20 advisory groups
18 established by the Commissioner of Education relating to:

19 (a) The alignment between the exit requirements of one
20 system and the admissions requirements of another system into
21 which students typically transfer.

22 (b) The identification of common courses, the level of
23 courses, institutional participation in a statewide course
24 numbering system, and the transferability of credits among
25 such institutions.

26 (c) Identification of courses that meet general
27 education or common degree program prerequisite requirements
28 at public postsecondary educational institutions.

29 (d) Dual enrollment course equivalencies.

30 (e) Articulation agreements.

31 Section 345. Part II of chapter 1007, Florida

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1 Statutes, shall be entitled "Articulation" and shall consist
2 of ss. 1007.21-1007.28.

3 Section 346. Section 1007.21, Florida Statutes, is
4 created to read:

5 1007.21 Readiness for postsecondary education and the
6 workplace.--

7 (1) It is the intent of the Legislature that students
8 and parents set early achievement and career goals for the
9 student's post-high school experience. This section sets forth
10 a model which schools, through their school advisory councils,
11 may choose to implement to ensure that students are ready for
12 postsecondary education and the workplace. If such a program
13 is adopted, students and their parents shall have the option
14 of participating in this model to plan the student's secondary
15 level course of study. Parents and students are to become
16 partners with school personnel in educational choice. Clear
17 academic course expectations shall be made available to all
18 students by allowing both student and parent or guardian
19 choice.

20 (2)(a) Students entering the 9th grade and their
21 parents shall be active participants in choosing an
22 end-of-high-school student destination based upon both student
23 and parent or guardian goals. Four or more destinations should
24 be available with bridges between destinations to enable
25 students to shift destinations should they choose to change
26 goals. The destinations shall accommodate the needs of
27 students served in exceptional education programs to the
28 extent appropriate for individual students. Exceptional
29 education students may continue to follow the courses outlined
30 in the district school board student progression plan.
31 Participating students and their parents shall choose among

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1 destinations, which must include:

2 1. Four-year college or university, community college
3 plus university, or military academy.

4 2. Two-year postsecondary degree.

5 3. Postsecondary career and technical certificate.

6 4. Immediate employment or entry-level military.

7 (b) The student progression model toward a chosen
8 destination shall include:

9 1. A "path" of core courses leading to each of the
10 destinations provided in paragraph (a).

11 2. A recommended group of electives which shall help
12 define each path.

13 3. Provisions for a teacher, school administrator,
14 other school staff member, or community volunteer to be
15 assigned to a student as an "academic advocate" if parental or
16 guardian involvement is lacking.

17 (c) The common placement test authorized in ss.
18 1001.03(10) and 1008.30 or a similar test may be administered
19 to all high school second semester sophomores who have chosen
20 one of the four destinations. The results of the placement
21 test shall be used to target additional instructional needs in
22 reading, writing, and mathematics prior to graduation.

23 (d) Ample opportunity shall be provided for students
24 to move from one destination to another, and some latitude
25 shall exist within each destination, to meet the individual
26 needs of students.

27 (e) Destinations specified in subparagraphs (a)1., 2.,
28 and 3. shall support the goals of the Tech Prep program.
29 Students participating in Tech Prep shall be enrolled in
30 articulated, sequential programs of study that include a
31 technical component and at least a minimum of a postsecondary

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1 certificate or 2-year degree.

2 (f) In order for these destinations to be attainable,
3 the business community shall be encouraged to support
4 real-world internships and apprenticeships.

5 (g) All students shall be encouraged to take part in
6 service learning opportunities.

7 (h) High school equivalency diploma preparation
8 programs shall not be a choice for high school students
9 leading to any of the four destinations provided in paragraph
10 (a) since the appropriate coursework, counseling component,
11 and career preparation cannot be ensured.

12 (i) Schools shall ensure that students and parents are
13 made aware of the destinations available and provide the
14 necessary coursework to assist the student in reaching the
15 chosen destination. Students and parents shall be made aware
16 of the student's progress toward the chosen destination.

17 (j) The Department of Education shall offer technical
18 assistance to school districts to ensure that the destinations
19 offered also meet the academic standards adopted by the state.

20 (3)(a) Access to Level I courses for graduation credit
21 and for pursuit of a declared destination shall be limited to
22 only those students for whom assessment indicates a more
23 rigorous course of study would be inappropriate.

24 (b) The school principal shall:

25 1. Designate a member of the existing instructional or
26 administrative staff to serve as a specialist to help
27 coordinate the use of student achievement strategies to help
28 students succeed in their coursework. The specialist shall
29 also assist teachers in integrating the academic and career
30 and technical curricula, utilizing technology, providing
31 feedback regarding student achievement, and implementing the

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1 Blueprint for Career Preparation and Tech Prep programs.

2 2. Institute strategies to eliminate reading, writing,
3 and mathematics deficiencies of secondary students.

4 Section 347. Section 1007.22, Florida Statutes, is
5 created to read:

6 1007.22 Articulation; postsecondary institution
7 coordination and collaboration.--

8 (1) The university boards of trustees, community
9 college boards of trustees, and district school boards may
10 establish intrainstitutional and interinstitutional programs
11 to maximize articulation. Programs may include
12 upper-division-level courses offered at the community college,
13 distance learning, transfer agreements that facilitate the
14 transfer of credits between public and nonpublic postsecondary
15 institutions, and the concurrent enrollment of students at a
16 community college and a state university to enable students to
17 take any level of baccalaureate degree coursework.

18 (2) The levels of postsecondary education shall
19 collaborate in further developing and providing articulated
20 programs in which students can proceed toward their
21 educational objectives as rapidly as their circumstances
22 permit. Time-shortened educational programs, as well as the
23 use of acceleration mechanisms, shall include, but not be
24 limited to, the International Baccalaureate, credit by
25 examination or demonstration of competency, advanced
26 placement, early admissions, and dual enrollment.

27 (3) Public postsecondary educational institutions
28 -serving the same students in a geographic and service area are
29 encouraged to establish appropriate interinstitutional
30 mechanisms to achieve cooperative planning and delivery of
31 academic programs and related services, share a high-cost

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1 instructional facility and equipment, coordinate credit and
2 noncredit outreach activities, have access to each other's
3 library and media holdings and services, and provide
4 cooperative campus activities and consultative relationships
5 for the discussion and resolution of interinstitutional issues
6 and problems which discourage student access or transfer.

7 (4) Public postsecondary education institutions are
8 encouraged to include independent colleges and universities
9 and industries within their service areas in mutual planning
10 of a comprehensive, complementary, cost-effective array of
11 undergraduate and beginning graduate programs of study to
12 serve that geographic area.

13 Section 348. Section 1007.23, Florida Statutes, is
14 created to read:

15 1007.23 Statewide articulation agreement.--

16 (1) The State Board of Education shall establish in
17 rule a statewide articulation agreement that governs:

18 (a) Articulation between secondary and postsecondary
19 education;

20 (b) Admission of associate in arts degree graduates
21 from community colleges and state universities;

22 (c) Admission of applied technology diploma program
23 graduates from community colleges or technical centers;

24 (d) Admission of associate in science degree and
25 associate in applied science degree graduates from community
26 colleges;

27 (e) The use of acceleration mechanisms, including
28 nationally standardized examinations through which students
29 may earn credit;

30 (f) General education requirements and statewide
31 course numbers as provided for in ss. 1007.24 and 1007.25; and

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1 (a) Articulation among programs in nursing.
2 (2) The articulation agreement must specifically
3 provide that every associate in arts graduate of a community
4 college shall have met all general education requirements and
5 must be granted admission to the upper division of a state
6 university except to a limited access or teacher certification
7 program or a major program requiring an audition. After
8 admission has been granted to students under provisions of
9 this section and to university students who have successfully
10 completed 60 credit hours of coursework, including 36 hours of
11 general education, and met the requirements of s. 1008.29,
12 admission shall be granted to state university and community
13 college students who have successfully completed 60 credit
14 hours of work, including 36 hours of general education.
15 Community college associate in arts graduates shall receive
16 priority for admission to a state university over out-of-state
17 students. Orientation programs and student handbooks provided
18 to freshman enrollees and transfer students at state
19 universities must include an explanation of this provision of
20 the articulation agreement.

21 (3) The articulation agreement must guarantee the
22 statewide articulation of appropriate workforce development
23 programs and courses between school districts and community
24 colleges and specifically provide that every applied
25 technology diploma graduate must be granted the same amount of
26 credit upon admission to an associate in science degree or
27 associate in applied science degree program unless it is a
28 limited access program. Preference for admission must be given
29 to graduates who are residents of Florida.

30 (4) The articulation agreement must guarantee the
31 statewide articulation of appropriate courses within associate

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1 in science degree programs to baccalaureate degree programs.
2 Courses within an associate in applied science degree program
3 may articulate into a baccalaureate degree program on an
4 individual or block basis as authorized in local
5 interinstitutional articulation agreements.

6 Section 349. Section 1007.235, Florida Statutes, is
7 created to read:

8 1007.235 District interinstitutional articulation
9 agreements.--

10 (1) District school superintendents and community
11 college presidents shall jointly develop and implement a
12 comprehensive articulated acceleration program for the
13 students enrolled in their respective school districts and
14 service areas. Within this general responsibility, each
15 superintendent and president shall develop a comprehensive
16 interinstitutional articulation agreement for the school
17 district and community college that serves the school
18 district. The district school superintendent and president
19 shall establish an articulation committee for the purpose of
20 developing this agreement. Each state university president is
21 encouraged to designate a university representative to
22 participate in the development of the interinstitutional
23 articulation agreements for each school district within the
24 university service area.

25 (2) The district interinstitutional articulation
26 agreement for each school year must be completed before high
27 school registration for the fall term of the following school
28 year. The agreement must include, but is not limited to, the
29 following components:

30 (a) A ratification or modification of all existing
31 articulation agreements.

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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.

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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:

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- 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

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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).

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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 (c) A course designated as lower-division may be

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1 offered by any community college.

2 (3) The Commissioner of Education shall recommend to
3 the State Board of Education the levels for the courses.

4 (4) The statewide course numbering system shall
5 include the courses at the recommended levels.

6 (5) The registration process at each state university
7 and community college shall include the courses at their
8 designated levels and statewide course number.

9 (6) Nonpublic colleges and schools that are fully
10 accredited by a regional or national accrediting agency
11 recognized by the United States Department of Education and
12 are either eligible to participate in the William L. Boyd, IV,
13 Florida Resident Access Grant or have been issued a regular
14 license pursuant to s. 1005.31, may participate in the
15 statewide course numbering system pursuant to s. 1007.24.
16 Participating colleges and schools shall bear the costs
17 associated with inclusion in the system and shall meet the
18 terms and conditions for institutional participation in the
19 system. The department shall adopt a fee schedule that
20 includes the expenses incurred through data processing,
21 faculty task force travel and per diem, and staff and clerical
22 support time. Such fee schedule may differentiate between the
23 costs associated with initial course inclusion in the system
24 and costs associated with subsequent course maintenance in the
25 system. Decisions regarding initial course inclusion and
26 subsequent course maintenance must be made within 360 days
27 after submission of the required materials and fees by the
28 institution. The Department of Education may select a date by
29 which colleges must submit requests for new courses to be
30 included, and may delay review of courses submitted after that
31 date until the next year's cycle. Any college that currently

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1 participates in the system, and that participated in the
2 system prior to July 1, 1986, shall not be required to pay the
3 costs associated with initial course inclusion in the system.
4 Fees collected for participation in the statewide course
5 numbering system pursuant to the provisions of this section
6 shall be deposited in the Institutional Assessment Trust Fund.
7 Any nonpublic, nonprofit college or university that is
8 eligible to participate in the statewide course numbering
9 system shall not be required to pay the costs associated with
10 participation in the system. No college or school shall
11 record student transcripts or document courses offered by the
12 college or school in accordance with this subsection unless
13 the college or school is actually participating in the system
14 pursuant to rules of the State Board of Education. Any
15 college or school deemed to be in violation of this section
16 shall be subject to the provisions of s. 1005.38.

17 (7) Any student who transfers among postsecondary
18 institutions that are fully accredited by a regional or
19 national accrediting agency recognized by the United States
20 Department of Education and that participate in the statewide
21 course numbering system shall be awarded credit by the
22 receiving institution for courses satisfactorily completed by
23 the student at the previous institutions. Credit shall be
24 awarded if the courses are judged by the appropriate statewide
25 course numbering system faculty committees representing school
26 districts, public postsecondary educational institutions, and
27 participating nonpublic postsecondary educational institutions
28 to be academically equivalent to courses offered at the
29 receiving institution, including equivalency of faculty
30 credentials, regardless of the public or nonpublic control of
31 the previous institution. The Department of Education shall

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1 ensure that credits to be accepted by a receiving institution
2 are generated in courses for which the faculty possess
3 credentials that are comparable to those required by the
4 accrediting association of the receiving institution. The
5 award of credit may be limited to courses that are entered in
6 the statewide course numbering system. Credits awarded
7 pursuant to this subsection shall satisfy institutional
8 requirements on the same basis as credits awarded to native
9 students.

10 (8) The State Board of Education shall adopt rules
11 that provide for the conduct of regularly scheduled purges of
12 courses that are listed in the statewide course numbering
13 system but have not been taught at an institution for the
14 preceding 5 years. These rules must include waiver provisions
15 that allow course continuation if an institution has
16 reasonable cause for having not offered a course within the
17 5-year limit and an expectation that the course will be
18 offered again within the following 5 years.

19 Section 351. Section 1007.25, Florida Statutes, is
20 created to read:

21 1007.25 General education courses; common
22 prerequisites; and other degree requirements.--

23 (1) The department shall identify the degree programs
24 offered by public postsecondary educational institutions.

25 (2) The department shall identify postsecondary career
26 and technical education programs offered by community colleges
27 and district school boards. The department shall also identify
28 career and technical courses designated as college credit
29 courses applicable toward a career and technical education
30 diploma or degree. Such courses must be identified within the
31 statewide course numbering system.

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1 (3) The department shall identify those courses that
2 meet general education requirements within the subject areas
3 of communication, mathematics, social sciences, humanities,
4 and natural sciences. The courses shall be identified by their
5 statewide course code number. All public postsecondary
6 educational institutions shall accept these general education
7 courses.

8 (4) The department shall identify those courses
9 offered by universities and accepted for credit toward a
10 degree. The department shall identify courses designated as
11 either general education or required as a prerequisite for a
12 degree. The courses shall be identified by their statewide
13 course number.

14 (5) The department shall identify common prerequisite
15 courses and course substitutions for degree programs across
16 all institutions. Common degree program prerequisites shall be
17 offered and accepted by all state universities and community
18 colleges, except in cases approved by the State Board of
19 Education pursuant to s. 1001.02(2)(x). The department shall
20 develop a centralized database containing the list of courses
21 and course substitutions that meet the prerequisite
22 requirements for each baccalaureate degree program.

23 (6) The boards of trustees of the community colleges
24 and state universities shall identify their core curricula,
25 which shall include courses required by the State Board of
26 Education. The universities and community colleges shall work
27 with their school districts to assure that high school
28 curricula coordinate with the core curricula and to prepare
29 students for college-level work. Core curricula for associate
30 in arts programs shall be adopted in rule by the State Board
31 of Education and shall include 36 semester hours of general

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1 education courses in the subject areas of communication,
2 mathematics, social sciences, humanities, and natural
3 sciences.

4 (7) An associate in arts degree shall require no more
5 than 60 semester hours of college credit, including 36
6 semester hours of general education coursework. Except for
7 college-preparatory coursework required pursuant to s.
8 1008.30, all required coursework shall count toward the
9 associate in arts degree or the baccalaureate degree.

10 (8) A baccalaureate degree program shall require no
11 more than 120 semester hours of college credit, including 36
12 semester hours of general education coursework, unless prior
13 approval has been granted by the State Board of Education.

14 (9) A student who received an associate in arts degree
15 for successfully completing 60 semester credit hours may
16 continue to earn additional credits at a community college.
17 The university must provide credit toward the student's
18 baccalaureate degree for an additional community college
19 course if, according to the statewide course numbering, the
20 community college course is a course listed in the university
21 catalog as required for the degree or as prerequisite to a
22 course required for the degree. Of the courses required for
23 the degree, at least half of the credit hours required for the
24 degree shall be achievable through courses designated as lower
25 division, except in degree programs approved by the State
26 Board of Education.

27 (10) Students at state universities may request
28 associate in arts certificates if they have successfully
29 completed the minimum requirements for the degree of associate
30 in arts (A.A.). The university must grant the student an
31 associate in arts degree if the student has successfully

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1 completed minimum requirements for college-level communication
2 and computation skills adopted by the State Board of Education
3 and 60 academic semester hours or the equivalent within a
4 degree program area, with 36 semester hours in general
5 education courses in the subject areas of communication,
6 mathematics, social sciences, humanities, and natural
7 sciences, consistent with the general education requirements
8 specified in the articulation agreement pursuant to s.
9 1007.23.

10 (11) The Commissioner of Education shall appoint
11 faculty committees representing both community college and
12 public school faculties to recommend to the commissioner for
13 approval by the State Board of Education a standard program
14 length and appropriate occupational completion points for each
15 postsecondary career and technical certificate program,
16 diploma, and degree.

17 Section 352. Section 1007.261, Florida Statutes, is
18 created to read:

19 1007.261 State universities; admissions of
20 students.--Each university board of trustees is authorized to
21 adopt rules governing the admission of students, subject to
22 this section and rules of the State Board of Education.

23 (1) Minimum academic standards for undergraduate
24 admission to a university include:

25 (a) Each student must have received a high school
26 diploma pursuant to s. 1003.43, or its equivalent, except as
27 provided in s. 1007.271(2)-(5) or completed a home education
28 program according to s. 1002.41.

29 (b) Each student must have successfully completed a
30 college-preparatory curriculum of 19 credits, as defined in
31 rules of the State Board of Education, including at least 2

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1 credits of sequential foreign language at the secondary level
2 or the equivalent of such instruction at the postsecondary
3 level. A student who completes a home education program
4 according to s. 1002.41 is not required to document completion
5 of the 19 credits required by this paragraph. A student whose
6 native language is not English is exempt from the foreign
7 language requirement, provided that the student demonstrates
8 proficiency in the native language. If a standardized test is
9 not available in the student's native language for the
10 demonstration of proficiency, the university may provide an
11 alternative method of assessment. The State Board of Education
12 shall adopt rules for the articulation of foreign language
13 competency and equivalency between secondary and postsecondary
14 institutions. A student who received an associate in arts
15 degree prior to September 1, 1989, or who enrolled in a
16 program of studies leading to an associate degree from a
17 community college prior to August 1, 1989, and maintains
18 continuous enrollment shall be exempt from this admissions
19 requirement.

20 (c) Each student must have submitted a test score from
21 the Scholastic Assessment Test of the College Entrance
22 Examination Board or the American College Testing Program.

23 (2) The minimum admission standards adopted by the
24 State Board of Education or a university board of trustees
25 must permit a student to earn at least 4 of the 19 credits
26 constituting the college-preparatory curriculum required for
27 admission as electives in any one of the following manners:

28 (a) Successful completion of any course identified in
29 the Department of Education course code directory as level two
30 or higher in one or more of the following subject areas:
31 English, mathematics, natural science, social science, and

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1 foreign language;
2 (b) Successful completion of any course identified in
3 the Department of Education course code directory as level
4 three in the same or related disciplines;
5 (c) Any combination of the courses identified in
6 paragraphs (a) and (b); or
7 (d) Successful completion of two credits from the
8 courses identified in paragraph (a), plus no more than two
9 total credits from the following categories of courses:
10 1. Courses identified in the Department of Education
11 course code directory as ROTC and military training;
12 2. Courses identified in the Department of Education
13 course code directory as level two in art-visual arts, dance,
14 drama-theatre arts, language arts, or music; or
15 3. Any additional courses determined to be equivalent
16 by the Department of Education.
17 (3) Each university may admit a limited number of
18 students notwithstanding the admission requirements of
19 paragraph (1)(b) relating to credits in foreign language, if
20 there is evidence that the applicant is expected to do
21 successful academic work at the admitting university. The
22 percent of applicants admitted under this subsection may not
23 exceed a level established for the university by the State
24 Board of Education. Any lower-division student admitted
25 without meeting the foreign language requirement must earn
26 such credits prior to admission to the upper division of a
27 state university. Any associate in arts degree graduate from a
28 community college or university in Florida, or other
29 upper-division transfer student, admitted without meeting the
30 foreign language requirement, must earn such credits prior to
31 graduation from a state university. Students shall be exempt

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1 from the provisions of this subsection if they can demonstrate
2 proficiency in American sign language equivalent to that of
3 students who have completed two credits of such instruction in
4 high school.

5 (4) Nonresident students may be admitted to the
6 university upon such terms as the university may establish.
7 However, such terms shall include, but shall not be limited
8 to: completion of a secondary school curriculum which
9 includes 4 years of English; 3 years each of mathematics,
10 science, and social sciences; and 2 years of a foreign
11 language.

12 (5) Within the admission standards provided for in
13 subsection (1), the State Board of Education shall develop
14 procedures for weighting courses which are necessary to meet
15 the requirements of a college-preparatory curriculum at a
16 higher value than less rigorous courses. Credits received in
17 such courses shall be given greater value in determining
18 admission by universities than cumulative grade point averages
19 in high school.

20 (6) Consideration shall be given to the past actions
21 of any person applying for admission as a student to any state
22 university, either as a new applicant, an applicant for
23 continuation of studies, or a transfer student, when such
24 actions have been found to disrupt or interfere with the
25 orderly conduct, processes, functions, or programs of any
26 other university, college, or community college.

27 (7) In any application for admission by a student as a
28 citizen of the state, the applicant, if 18 years of age, or,
29 if a minor, his or her parents or guardian shall make and file
30 with such application a written statement under oath that such
31 applicant is a citizen and resident of the state and entitled,

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1 as such, to admission upon the terms and conditions prescribed
2 for citizens and residents of the state.

3 (8) Rules of the State Board of Education shall
4 require the use of scores on tests of college-level
5 communication and computation skills provided in s. 1008.29 as
6 a condition for admission of students to upper-division
7 instructional programs from community colleges, including
8 those who have been awarded associate in arts degrees. Use of
9 such test scores as an admission requirement shall extend
10 equally and uniformly to students enrolled in lower divisions
11 in a state university and to transfer students from other
12 colleges and universities. The tests shall be required for
13 community college students seeking associate in arts degrees
14 and students seeking admission to upper-division instructional
15 programs in a state university. The use of test scores prior
16 to August 1, 1984, shall be limited to student counseling and
17 curriculum improvement.

18 (9) For the purposes of this section, American sign
19 language constitutes a foreign language. Florida high schools
20 may offer American sign language as a for-credit elective or
21 as a substitute for any already authorized foreign language
22 requirement.

23 (10) A Florida resident who is denied admission as an
24 undergraduate to a state university for failure to meet the
25 high school grade point average requirement may appeal the
26 decision to the university and request a recalculation of the
27 grade point average including in the revised calculation the
28 grades earned in up to three credits of advanced fine arts
29 courses. The university shall provide the student with a
30 description of the appeals process at the same time as
31 notification of the admissions decision. The university shall

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1 recalculate the student's grade point average using the
2 additional courses and advise the student of any changes in
3 the student's admission status. For purposes of this section,
4 fine arts courses include courses in music, drama, painting,
5 sculpture, speech, debate, or a course in any art form that
6 requires manual dexterity. Advanced level fine arts courses
7 include fine arts courses identified in the course code
8 directory as Advanced Placement, pre-International
9 Baccalaureate, or International Baccalaureate, or fine arts
10 courses taken in the third or fourth year of a fine arts
11 curriculum.

12 Section 353. Section 1007.262, Florida Statutes, is
13 created to read:

14 1007.262 Foreign language competence; equivalence
15 determinations.--The Department of Education shall identify
16 the competencies demonstrated by students upon the successful
17 completion of 2 credits of sequential high school foreign
18 language instruction. For the purpose of determining
19 postsecondary equivalence pursuant to s. 1007.261(1)(b), the
20 department shall develop rules through which community
21 colleges correlate such competencies to the competencies
22 required of students in the colleges' respective courses.
23 Based on this correlation, each community college shall
24 identify the minimum number of postsecondary credits that
25 students must earn in order to demonstrate a level of
26 competence in a foreign language at least equivalent to that
27 of students who have completed 2 credits of such instruction
28 in high school. The department may also specify alternative
29 means by which students can demonstrate equivalent foreign
30 language competence, including means by which a student whose
31 native language is not English may demonstrate proficiency in

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1 the native language. A student who demonstrates proficiency in
2 a native language other than English is exempt from the
3 requirement of completing foreign language courses at the
4 secondary or postsecondary level.

5 Section 354. Section 1007.263, Florida Statutes, is
6 created to read:

7 1007.263 Community colleges; admissions of
8 students.--Each community college board of trustees is
9 authorized to adopt rules governing admissions of students
10 subject to this section and rules of the State Board of
11 Education. These rules shall include the following:

12 (1) Admissions counseling shall be provided to all
13 students entering college credit programs, which counseling
14 shall utilize tests to measure achievement of college-level
15 communication and computation competencies by all students
16 entering college credit programs.

17 (2) Admission to associate degree programs is subject
18 to minimum standards adopted by the State Board of Education
19 and shall require:

20 (a) A standard high school diploma, a high school
21 equivalency diploma as prescribed in s. 1003.435, previously
22 demonstrated competency in college credit postsecondary
23 coursework, or, in the case of a student who is home educated,
24 a signed affidavit submitted by the student's parent or legal
25 guardian attesting that the student has completed a home
26 education program pursuant to the requirements of s. 1002.41.
27 Students who are enrolled in a dual enrollment or early
28 admission program pursuant to ss. 1007.27 and 1007.271 and
29 secondary students enrolled in college-level instruction
30 creditable toward the associate degree, but not toward the
31 high school diploma, shall be exempt from this requirement.

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1 (b) A demonstrated level of achievement of
2 college-level communication and computation skills.

3 (c) Any other requirements established by the board of
4 trustees.

5 (3) Admission to other programs within the community
6 college shall include education requirements as established by
7 the board of trustees.

8
9 Each board of trustees shall establish policies that notify
10 students about, and place students into, adult basic
11 education, adult secondary education, or other instructional
12 programs that provide students with alternatives to
13 traditional college-preparatory instruction, including private
14 provider instruction. A student is prohibited from enrolling
15 in additional college-level courses until the student scores
16 above the cut-score on all sections of the common placement
17 test.

18 Section 355. Section 1007.264, Florida Statutes, is
19 created to read:

20 1007.264 Impaired and learning disabled persons;
21 admission and graduation, substitute requirements; rules.--Any
22 person who is hearing impaired, visually impaired, or
23 dyslexic, or who has a specific learning disability, shall be
24 eligible for reasonable substitution for any requirement for
25 admission into a public postsecondary educational institution,
26 admission into a program of study, or graduation, where
27 documentation can be provided that the person's failure to
28 meet the requirement is related to the disability and where
29 the failure to meet the graduation requirement or program
30 admission requirement does not constitute a fundamental
31 alteration in the nature of the program. The State Board of

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1 Education shall adopt rules to implement this section and
2 shall develop substitute requirements where appropriate.

3 Section 356. Section 1007.27, Florida Statutes, is
4 created to read:

5 1007.27 Articulated acceleration mechanisms.--

6 (1) It is the intent of the Legislature that a variety
7 of articulated acceleration mechanisms be available for
8 secondary and postsecondary students attending public
9 educational institutions. It is intended that articulated
10 acceleration serve to shorten the time necessary for a student
11 to complete the requirements associated with the conference of
12 a high school diploma and a postsecondary degree, broaden the
13 scope of curricular options available to students, or increase
14 the depth of study available for a particular subject.

15 Articulated acceleration mechanisms shall include, but not be
16 limited to, dual enrollment as provided for in s. 1007.271,
17 early admission, advanced placement, credit by examination,
18 the International Baccalaureate Program, and the Advanced
19 International Certificate of Education Program. Credit earned
20 through the Florida Virtual School shall provide additional
21 opportunities for early graduation and acceleration.

22 (2) The Department of Education shall identify the
23 minimum scores, maximum credit, and course or courses for
24 which credit is to be awarded for each College Level
25 Examination Program (CLEP) general examination, CLEP subject
26 examination, College Board Advanced Placement Program
27 examination, and International Baccalaureate examination. In
28 addition, the department shall identify such courses in the
29 general education core curriculum of each state university and
30 community college.

31 (3) Each community college and state university must

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1 award credit for specific courses for which competency has
2 been demonstrated by successful passage of one of the
3 examinations in subsection (2) unless the award of credit
4 duplicates credit already awarded. Community colleges and
5 state universities may not exempt students from courses
6 without the award of credit if competencies have been so
7 demonstrated.

8 (4) It is the intent of the Legislature to provide
9 articulated acceleration mechanisms for students who are in
10 home education programs, as defined in s. 1003.01(11),
11 consistent with the educational opportunities available to
12 public and private secondary school students. Home education
13 students may participate in dual enrollment, career and
14 technical dual enrollment, early admission, and credit by
15 examination. Credit earned by home education students through
16 dual enrollment shall apply toward the completion of a home
17 education program that meets the requirements of s. 1002.41.

18 (5) Early admission shall be a form of dual enrollment
19 through which eligible secondary students enroll in a
20 postsecondary institution on a full-time basis in courses that
21 are creditable toward the high school diploma and the
22 associate or baccalaureate degree. Students enrolled pursuant
23 to this subsection shall be exempt from the payment of
24 registration, tuition, and laboratory fees.

25 (6) Advanced placement shall be the enrollment of an
26 eligible secondary student in a course offered through the
27 Advanced Placement Program administered by the College Board.
28 Postsecondary credit for an advanced placement course shall be
29 limited to students who score a minimum of 3, on a 5-point
30 scale, on the corresponding Advanced Placement Examination.
31 The specific courses for which students receive such credit

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1 shall be determined by the department. Students of Florida
2 public secondary schools enrolled pursuant to this subsection
3 shall be exempt from the payment of any fees for
4 administration of the examination regardless of whether or not
5 the student achieves a passing score on the examination.

6 (7) Credit by examination shall be the program through
7 which secondary and postsecondary students generate
8 postsecondary credit based on the receipt of a specified
9 minimum score on nationally standardized general or
10 subject-area examinations. For the purpose of statewide
11 application, such examinations and the corresponding minimum
12 scores required for an award of credit shall be delineated by
13 the State Board of Education in the statewide articulation
14 agreement. The maximum credit generated by a student pursuant
15 to this subsection shall be mitigated by any related
16 postsecondary credit earned by the student prior to the
17 administration of the examination. This subsection shall not
18 preclude community colleges and universities from awarding
19 credit by examination based on student performance on
20 examinations developed within and recognized by the individual
21 postsecondary institutions.

22 (8) The International Baccalaureate Program shall be
23 the curriculum in which eligible secondary students are
24 enrolled in a program of studies offered through the
25 International Baccalaureate Program administered by the
26 International Baccalaureate Office. The State Board of
27 Education shall establish rules which specify the cutoff
28 scores and International Baccalaureate Examinations which will
29 be used to grant postsecondary credit at community colleges
30 and universities. Any such rules, which have the effect of
31 raising the required cutoff score or of changing the

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1 International Baccalaureate Examinations which will be used to
2 grant postsecondary credit, shall only apply to students
3 taking International Baccalaureate Examinations after such
4 rules are adopted by the State Board of Education. Students
5 shall be awarded a maximum of 30 semester credit hours
6 pursuant to this subsection. The specific course for which a
7 student receives such credit shall be determined by the
8 department. Students enrolled pursuant to this subsection
9 shall be exempt from the payment of any fees for
10 administration of the examinations regardless of whether or
11 not the student achieves a passing score on the examination.

12 (9) The Advanced International Certificate of
13 Education Program shall be the curriculum in which eligible
14 secondary students are enrolled in a program of studies
15 offered through the Advanced International Certificate of
16 Education Program administered by the University of Cambridge
17 Local Examinations Syndicate. The State Board of Education
18 shall establish rules which specify the cutoff scores and
19 Advanced International Certificate of Education examinations
20 which will be used to grant postsecondary credit at community
21 colleges and universities. Any such rules, which have the
22 effect of raising the required cutoff score or of changing the
23 Advanced International Certification of Education examinations
24 which will be used to grant postsecondary credit, shall apply
25 to students taking Advanced International Certificate of
26 Education Examinations after such rules are adopted by the
27 State Board of Education. Students shall be awarded a maximum
28 of 30 semester credit hours pursuant to this subsection. The
29 specific course for which a student receives such credit shall
30 be determined by the community college or university that
31 accepts the student for admission. Students enrolled pursuant

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1 to this subsection shall be exempt from the payment of any
2 fees for administration of the examinations regardless of
3 whether or not the student achieves a passing score on the
4 examination.

5 (10) Any student who earns 9 or more credits from one
6 or more of the acceleration mechanisms provided for in this
7 section is exempt from any requirement of a public
8 postsecondary educational institution mandating enrollment
9 during a summer term.

10 Section 357. Section 1007.271, Florida Statutes, is
11 created to read:

12 1007.271 Dual enrollment programs.--

13 (1) The dual enrollment program is the enrollment of
14 an eligible secondary student or home education student in a
15 postsecondary course creditable toward a career and technical
16 certificate or an associate or baccalaureate degree.

17 (2) For the purpose of this section, an eligible
18 secondary student is a student who is enrolled in a Florida
19 public secondary school or in a Florida private secondary
20 school which is in compliance with s. 1002.42(2) and conducts
21 a secondary curriculum pursuant to s. 1003.43. Students
22 enrolled in postsecondary instruction that is not creditable
23 toward the high school diploma shall not be classified as dual
24 enrollments. Students who are eligible for dual enrollment
25 pursuant to this section shall be permitted to enroll in dual
26 enrollment courses conducted during school hours, after school
27 hours, and during the summer term. Instructional time for such
28 enrollment may exceed 900 hours; however, the school district
29 may only report the student for a maximum of 1.0 FTE, as
30 provided in s. 1011.61(4). Any student so enrolled is exempt
31 from the payment of registration, tuition, and laboratory

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1 fees. Vocational-preparatory instruction, college-preparatory
2 instruction and other forms of precollegiate instruction, as
3 well as physical education courses that focus on the physical
4 execution of a skill rather than the intellectual attributes
5 of the activity, are ineligible for inclusion in the dual
6 enrollment program. Recreation and leisure studies courses
7 shall be evaluated individually in the same manner as physical
8 education courses for potential inclusion in the program.
9 (3) The Department of Education shall adopt guidelines
10 designed to achieve comparability across school districts of
11 both student qualifications and teacher qualifications for
12 dual enrollment courses. Student qualifications must
13 demonstrate readiness for college-level coursework if the
14 student is to be enrolled in college courses. Student
15 qualifications must demonstrate readiness for career and
16 technical-level coursework if the student is to be enrolled in
17 career and technical courses. In addition to the common
18 placement examination, student qualifications for enrollment
19 in college credit dual enrollment courses must include a 3.0
20 unweighted grade point average, and student qualifications for
21 enrollment in career and technical certificate dual enrollment
22 courses must include a 2.0 unweighted grade point average.
23 Exceptions to the required grade point averages may be granted
24 if the educational entities agree and the terms of the
25 agreement are contained within the dual enrollment
26 interinstitutional articulation agreement. Community college
27 boards of trustees may establish additional admissions
28 criteria, which shall be included in the district
29 interinstitutional articulation agreement developed according
30 to s. 1007.235, to ensure student readiness for postsecondary
31 instruction. Additional requirements included in the agreement

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1 shall not arbitrarily prohibit students who have demonstrated
2 the ability to master advanced courses from participating in
3 dual enrollment courses. District school boards may not refuse
4 to enter into an agreement with a local community college if
5 that community college has the capacity to offer dual
6 enrollment courses.

7 (4) Career and technical dual enrollment shall be
8 provided as a curricular option for secondary students to
9 pursue in order to earn a series of elective credits toward
10 the high school diploma. However, career and technical dual
11 enrollment shall not supplant student acquisition of the
12 diploma. Career and technical dual enrollment shall be
13 available for secondary students seeking a degree or
14 certificate from a complete job-preparatory program, but shall
15 not sustain student enrollment in isolated career and
16 technical courses. It is the intent of the Legislature that
17 career and technical dual enrollment reflect the interests and
18 aptitudes of the student. The provision of a comprehensive
19 academic and career and technical dual enrollment program
20 within the area technical center or community college is
21 supportive of legislative intent; however, such provision is
22 not mandatory.

23 (5) Each district school board shall inform all
24 secondary students of dual enrollment as an educational option
25 and mechanism for acceleration. Students shall be informed of
26 eligibility criteria, the option for taking dual enrollment
27 courses beyond the regular school year, and the 24 minimum
28 academic credits required for graduation. District school
29 boards shall annually assess the demand for dual enrollment
30 and other advanced courses, and the district school board
31 shall consider strategies and programs to meet that demand.

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1 (6) The Commissioner of Education shall appoint
2 faculty committees representing public school, community
3 college, and university faculties to identify postsecondary
4 courses that meet the high school graduation requirements of
5 s. 1003.43, and to establish the number of postsecondary
6 semester credit hours of instruction and equivalent high
7 school credits earned through dual enrollment pursuant to s.
8 1007.271 that are necessary to meet high school graduation
9 requirements. Such equivalencies shall be determined solely on
10 comparable course content and not on seat time traditionally
11 allocated to such courses in high school. The Commissioner of
12 Education shall recommend to the State Board of Education
13 those courses identified to meet high school graduation
14 requirements, based on mastery of course outcomes, by their
15 statewide course number, and all high schools shall accept
16 these postsecondary education courses toward meeting the
17 requirements of s. 1003.43.

18 (7) Early admission shall be a form of dual enrollment
19 through which eligible secondary students enroll in a
20 postsecondary institution on a full-time basis in courses that
21 are creditable toward the high school diploma and the
22 associate or baccalaureate degree. Students enrolled pursuant
23 to this subsection shall be exempt from the payment of
24 registration, tuition, and laboratory fees.

25 (8) Career and technical early admission is a form of
26 career and technical dual enrollment through which eligible
27 secondary students enroll full time in an area technical
28 center or a community college in courses that are creditable
29 toward the high school diploma and the certificate or
30 associate degree. Participation in the career and technical
31 early admission program shall be limited to students who have

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1 completed a minimum of 6 semesters of full-time secondary
2 enrollment, including studies undertaken in the ninth grade.
3 Students enrolled pursuant to this section are exempt from the
4 payment of registration, tuition, and laboratory fees.

5 (9) The State Board of Education shall adopt rules for
6 any dual enrollment programs involving requirements for high
7 school graduation.

8 (10)(a) The dual enrollment program for home education
9 students consists of the enrollment of an eligible home
10 education secondary student in a postsecondary course
11 creditable toward an associate degree, a career or technical
12 certificate, or a baccalaureate degree. To participate in the
13 dual enrollment program, an eligible home education secondary
14 student must:

15 1. Provide proof of enrollment in a home education
16 program pursuant to s. 1002.41.

17 2. Be responsible for his or her own instructional
18 materials and transportation unless provided for otherwise.

19 (b) Each technical center, community college, and
20 state university shall:

21 1. Delineate courses and programs for dually enrolled
22 home education students. Courses and programs may be added,
23 revised, or deleted at any time.

24 2. Identify eligibility criteria for home education
25 student participation, not to exceed those required of other
26 dually enrolled students.

27 (11) The Department of Education shall approve any
28 course for inclusion in the dual enrollment program that is
29 contained within the statewide course numbering system.
30 However, college-preparatory and other forms of precollegiate
31 instruction, and physical education and other courses that

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1 focus on the physical execution of a skill rather than the
2 intellectual attributes of the activity, may not be so
3 approved, but must be evaluated individually for potential
4 inclusion in the dual enrollment program.

5 (12) The Department of Education shall develop a
6 statement on transfer guarantees which will inform students,
7 prior to enrollment in a dual enrollment course, of the
8 potential for the dual enrollment course to articulate as an
9 elective or a general education course into a postsecondary
10 education certificate or degree program. The statement shall
11 be provided to each district school superintendent, who shall
12 include the statement in the information provided to all
13 secondary students as required pursuant to this subsection.
14 The statement may also include additional information,
15 including, but not limited to, dual enrollment options,
16 guarantees, privileges, and responsibilities.

17 (13) It is the intent of the Legislature that students
18 who meet the eligibility requirements of this subsection and
19 who choose to participate in dual enrollment programs be
20 exempt from the payment of registration, tuition, and
21 laboratory fees.

22 (14) Instructional materials assigned for use within
23 dual enrollment courses shall be made available to dual
24 enrollment students from Florida public high schools free of
25 charge. This subsection shall not be construed to prohibit a
26 community college from providing instructional materials at no
27 cost to a home education student or student from a private
28 school. Students enrolled in postsecondary instruction not
29 creditable toward a high school diploma shall not be
30 considered dual enrollments and shall be required to assume
31 the cost of instructional materials necessary for such

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1 instruction.

2 (15) Instructional materials purchased by a district
3 school board or community college board of trustees on behalf
4 of dual enrollment students shall be the property of the board
5 against which the purchase is charged.

6 (16) School districts and community colleges must
7 weigh college-level dual enrollment courses the same as honors
8 courses and advanced placement courses when grade point
9 averages are calculated. Alternative grade calculation or
10 weighting systems that discriminate against dual enrollment
11 courses are prohibited.

12 (17) The Commissioner of Education may approve dual
13 enrollment agreements for limited course offerings that have
14 statewide appeal. Such programs shall be limited to a single
15 site with multiple county participation.

16 Section 358. Section 1007.272, Florida Statutes, is
17 created to read:

18 1007.272 Joint dual enrollment and advanced placement
19 instruction.--

20 (1) Each school district, community college, and state
21 university may conduct advanced placement instruction within
22 dual enrollment courses. Each joint dual enrollment and
23 advanced placement course shall be incorporated within and
24 subject to the provisions of the district interinstitutional
25 articulation agreement pursuant to s. 1007.235. Such agreement
26 shall certify that each joint dual enrollment and advanced
27 placement course integrates, at a minimum, the course
28 structure recommended by the College Board and the structure
29 that corresponds to the common course number.

30 (2) Each student enrolled in a joint dual enrollment
31 and advanced placement course may be funded pursuant to either

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1 the dual enrollment or advanced placement formula specified in
2 s. 1011.62; however, no student shall be funded through both
3 programs for enrollment in a course provided through this
4 section. The district school board reporting enrollments for
5 such courses shall utilize the funding formula that more
6 closely approximates the cost of conducting the course. No
7 student shall be reported for advanced placement funding who
8 fails to meet the examination requirement for such funding.

9 (3) Postsecondary credit for student completion of a
10 joint dual enrollment and advanced placement course shall be
11 awarded, based on the stated preference of the student, as
12 either dual enrollment or advanced placement credit; however,
13 an award of advanced placement credit shall be limited to
14 students who score a minimum of 3, on a 5-point scale, on the
15 Advanced Placement Examination. No student shall claim double
16 credit based on the completion of a single joint dual
17 enrollment and advanced placement course, nor shall any
18 student enrolled pursuant to this section be required to
19 complete the Advanced Placement Examination.

20 Section 359. Section 1007.28, Florida Statutes, is
21 created to read:

22 1007.28 Computer-assisted student advising
23 system.--The State Board of Education shall establish and
24 maintain within the Department of Education a single,
25 statewide computer-assisted student advising system, which
26 must be an integral part of the process of advising,
27 registering, and certifying students for graduation. It is
28 intended that an advising system be the primary advising and
29 tracking tool for students enrolled in public postsecondary
30 educational institutions and be accessible to all Florida
31 students. The state universities and community colleges shall

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1 interface institutional systems with the computer-assisted
2 advising system required by this section. The State Board of
3 Education shall prescribe by rule the roles and
4 responsibilities of the department, the state universities,
5 and the community colleges in the design, implementation,
6 promotion, development, and analysis of the system. The system
7 shall consist of a degree audit and an articulation component
8 that includes the following characteristics:

9 (1) The system shall constitute an integral part of
10 the process of advising students and assisting them in course
11 selection. The system shall be accessible to students in the
12 following ways:

13 (a) A student must be able to access the system, at
14 any time, to identify course options that will meet the
15 requirements of a selected path toward a degree.

16 (b) A status report from the system shall be generated
17 and sent with each grade report to each student enrolled in
18 public postsecondary educational institutions with a declared
19 major.

20 (2) The system shall be an integral part of the
21 registration process at public postsecondary educational
22 institutions. As part of the process, the system shall:

23 (a) Provide reports that document each student's
24 status toward completion of a degree.

25 (b) Verify that a student has completed requirements
26 for graduation.

27 (3) The system must provide students information
28 related to career descriptions and corresponding educational
29 requirements, admissions requirements, and available sources
30 of student financial assistance. Such advising must enable
31 students to examine their interests and aptitudes for the

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1 purpose of curricular and career planning.

2 (4) The system must provide management information to
3 decisionmakers, including information relating student
4 enrollment patterns and course demands to plans for
5 corresponding course offerings and information useful in
6 planning the student registration process.

7 Section 360. Part III of chapter 1007, Florida
8 Statutes, shall be entitled "Access to Postsecondary
9 Education" and shall consist of ss. 1007.31-1007.34.

10 Section 361. Section 1007.31, Florida Statutes, is
11 created to read:

12 1007.31 Limited access programs.--

13 (1) The State Board of Education shall establish
14 criteria for assigning limited access status to an educational
15 program and a process for the periodic review of such programs
16 so that a university board of trustees can determine the need
17 for retention or removal of limited access status.

18 (2) Each university board of trustees shall monitor
19 limited access programs within the university and conduct
20 periodic reviews of such programs to determine the need for
21 retention or removal of the limited access status.

22 Section 362. Section 1007.32, Florida Statutes, is
23 created to read:

24 1007.32 Transfer students.--

25 (1) Each university shall provide registration
26 opportunities for transfer students that allow such students
27 access to high demand courses comparable to that provided
28 native students.

29 (2) Each university that provides an orientation
30 program for freshman enrollees shall also provide orientation
31 programs for transfer students.

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1 Section 363. Section 1007.33, Florida Statutes, is
2 created to read:

3 1007.33 Site-determined baccalaureate degree access.--

4 (1) The Legislature recognizes that public and private
5 postsecondary educational institutions play essential roles in
6 improving the quality of life and economic well-being of the
7 state and its residents. The Legislature also recognizes that
8 economic development needs and the educational needs of
9 place-bound, nontraditional students have increased the demand
10 for local access to baccalaureate degree programs. In some,
11 but not all, geographic regions, baccalaureate degree programs
12 are being delivered successfully at the local community
13 college through agreements between the community college and
14 4-year postsecondary institutions within or outside of the
15 state. It is therefore the intent of the Legislature to
16 further expand access to baccalaureate degree programs through
17 the use of community colleges.

18 (2) A community college may enter into a formal
19 agreement pursuant to the provisions of s. 1007.22 for the
20 delivery of specified baccalaureate degree programs.

21 (3) A community college may develop a proposal to
22 deliver specified baccalaureate degree programs in its
23 district to meet local workforce needs. The proposal must be
24 submitted to the State Board of Education for approval. The
25 community college's proposal must include the following
26 information:

27 (a) Demand for the baccalaureate degree program is
28 identified by the workforce development board, local
29 businesses and industry, local chambers of commerce, and
30 potential students.

31 (b) Unmet need for graduates of the proposed degree

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1 program is substantiated.

2 (c) The community college has the facilities and
3 academic resources to deliver the program.

4
5 The proposal must be submitted to the Council for Education
6 Policy Research and Improvement for review and comment. Upon
7 approval of the State Board of Education for the specific
8 degree program or programs, the community college shall pursue
9 regional accreditation by the Commission on Colleges of the
10 Southern Association of Colleges and Schools. Any additional
11 baccalaureate degree programs the community college wishes to
12 offer must be approved by the State Board of Education.

13 (4) A community college may not terminate its
14 associate in arts or associate in science degree programs as a
15 result of the authorization provided in subsection (3). The
16 Legislature intends that the primary mission of a community
17 college, including a community college that offers
18 baccalaureate degree programs, continues to be the provision
19 of associate degrees that provide access to a university.

20 Section 364. Section 1007.34, Florida Statutes, is
21 created to read:

22 1007.34 College reach-out program.--

23 (1) There is established a college reach-out program
24 to increase the number of low-income educationally
25 disadvantaged students in grades 6-12 who, upon high school
26 graduation, are admitted to and successfully complete
27 postsecondary education. Participants should be students who
28 otherwise would be unlikely to seek admission to a community
29 college, state university, or independent postsecondary
30 institution without special support and recruitment efforts.
31 The State Board of Education shall adopt rules that provide

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1 for the following:

2 (a) Definition of "low-income educationally
3 disadvantaged student."

4 (b) Specific criteria and guidelines for selection of
5 college reach-out participants.

6 (2) In developing the definition for "low-income
7 educationally disadvantaged student," the State Board of
8 Education shall include such factors as: the family's taxable
9 income; family receipt of temporary cash assistance in the
10 preceding year; family receipt of public assistance in the
11 preceding year; the student's cumulative grade point average;
12 the student's promotion and attendance patterns; the student's
13 performance on state standardized tests; the student's
14 enrollment in mathematics and science courses; and the
15 student's participation in a dropout prevention program.

16 (3) To participate in the college reach-out program, a
17 postsecondary educational institution may submit a proposal to
18 the Department of Education. The State Board of Education
19 shall consider the proposals and determine which proposals to
20 implement as programs that will strengthen the educational
21 motivation and preparation of low-income educationally
22 disadvantaged students.

23 (4) Postsecondary educational institutions that
24 participate in the program must provide procedures for
25 continuous contact with students from the point at which they
26 are selected for participation until they enroll in a
27 postsecondary educational institution. These procedures must
28 assist students in selecting courses required for graduation
29 from high school and admission to a postsecondary educational
30 institution and ensure that students continue to participate
31 in program activities. Institutions that participate must

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1 provide on-campus academic and advisory activities during
2 summer vacation and provide opportunities for interacting with
3 college and university students as mentors, tutors, or role
4 models. Proposals submitted by universities and consortia
5 involving universities must provide students with an
6 opportunity to live on campus.

7 (5) In selecting proposals for approval, the State
8 Board of Education shall give preference to:

9 (a) Proposals submitted jointly by two or more
10 eligible postsecondary educational institutions.

11 (b) A program that will use institutional, federal, or
12 private resources to supplement state appropriations.

13 (c) An applicant that has demonstrated success in
14 conducting similar programs.

15 (d) A program that includes innovative approaches,
16 provides a great variety of activities, and includes a large
17 percentage of low-income educationally disadvantaged minority
18 students in the college reach-out program.

19 (e) An applicant that demonstrates commitment to the
20 program by proposing to match the grant funds at least
21 one-to-one in cash or services, with cash being the preferred
22 match.

23 (f) An applicant that demonstrates an interest in
24 cultural diversity and that addresses the unmet regional needs
25 of varying communities.

26 (6) A participating postsecondary educational
27 institution is encouraged to use its resources to meet program
28 objectives. A participating postsecondary educational
29 institution must establish an advisory committee composed of
30 high school and middle school personnel, as well as community
31 leaders, to provide advice and assistance in implementing its

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1 program.

2 (7) A proposal must contain the following information:

3 (a) A statement of purpose that includes a description
4 of the need for, and the results expected from, the proposed
5 program.

6 (b) An identification of the service area that names
7 the schools to be served, provides community and school
8 demographics, and sets forth the postsecondary enrollment
9 rates of high school graduates within the area.

10 (c) An identification of existing programs for
11 enhancing the academic performance of minority and low-income
12 educationally disadvantaged students for enrollment in
13 postsecondary education.

14 (d) A description of the proposed program that
15 describes criteria to be used to identify schools for
16 participation in the program. At least 60 percent of the
17 students recruited in any one year must be in grades 6-9.

18 (e) A description of the program activities that must
19 support the following goals:

20 1. Motivate students to pursue a postsecondary
21 education.

22 2. Enhance students' basic learning skills and
23 performance.

24 3. Strengthen students' and parents' understanding of
25 the benefits of postsecondary education.

26 4. Foster academic, personal, and career development
27 through supplemental instruction.

28 (f) An evaluation component that provides for the
29 collection, maintenance, retrieval, and analysis of the data
30 required by this paragraph. The data must be used to assess
31 the extent to which programs have accomplished specific

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1 objectives and achieved the goals of the college reach-out
2 program. The Department of Education shall develop
3 specifications and procedures for the collection and
4 transmission of the data. The annual project evaluation
5 component must contain:
6 1. The student identification number and social
7 security number, if available; the name of the public school
8 attended; gender; ethnicity; grade level; and grade point
9 average of each participant at the time of entry into the
10 program.
11 2. The grade point average, grade, and promotion
12 status of each of the participants in the program at the end
13 of the academic year and any suspension or expulsion of a
14 participant, if applicable.
15 3. The number and percentage of high school
16 participants who satisfactorily complete 2 sequential years of
17 a foreign language and Level 2 and 3 mathematics and science
18 courses.
19 4. The number and percentage of participants eligible
20 for high school graduation who receive a standard high school
21 diploma or a high school equivalency diploma, pursuant to s.
22 229.814.
23 5. The number and percentage of 12th grade
24 participants who are accepted for enrollment and who enroll in
25 a postsecondary educational institution.
26 6. The number of participants who receive
27 scholarships, grant aid, and work-study awards.
28 7. The number and percentage of participants who
29 enroll in a public postsecondary educational institution and
30 who fail to achieve a passing score, as defined in State Board
31 of Education rule, on college placement tests pursuant to s.

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1 1008.30.

2 8. The number and percentage of participants who
3 enroll in a postsecondary educational institution and have a
4 minimum cumulative 2.0 grade point average on a 4.0 scale by
5 the end of the second semester.

6 9. The number of disabled students participating in
7 the project and the nature of their disabilities.

8 (8) Proposals must be funded competitively in
9 accordance with the following methodology:

10 (a) The funds appropriated must be distributed to
11 projects on the basis of minimum standards that include:

12 1. A summer residency program of at least 1 week in
13 duration.

14 2. A minimum number of hours of academic instructional
15 and developmental activities, career counseling, and personal
16 counseling.

17 (b) Subject to legislative appropriations,
18 continuation projects that satisfy the minimum requirements
19 should have their funds increased each year by the same
20 percentage as the rate of inflation. Projects funded for 3
21 consecutive years should have a cumulative institutional cash
22 match of not less than 50 percent of the total cost of the
23 project over the 3-year period. Any college reach-out program
24 project operating for 3 years which does not provide the
25 minimum 50-percent institutional cash match must not be
26 considered for continued funding.

27 (9) The Commissioner of Education shall appoint an
28 advisory council to review the proposals and recommend to the
29 State Board of Education an order of priority for funding the
30 proposals.

31 (10) On or before February 15 of each year, each

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1 participating institution shall submit to the Department of
2 Education an interim report containing program expenditures
3 and participant information as required in State Board of
4 Education rules.

5 (11) On or before November 1 of each year,
6 postsecondary educational institutions participating in the
7 program shall submit to the Department of Education an
8 end-of-the-year report on the effectiveness of their
9 participation in the program. The end-of-the-year report must
10 include, without limitation:

11 (a) A copy of the certificate-of-expenditures form
12 showing expenditures by category, state grant funds, and
13 institutional matching in cash and in-kind services.

14 (b) A listing of students participating in the program
15 by grade level, gender, and race.

16 (c) A statement of how the program addresses the four
17 program goals identified in paragraph (7)(e).

18 (d) A brief description and analysis of program
19 characteristics and activities critical to program success.

20 (e) A description of the cooperation received from
21 other units or organizations.

22 (f) An explanation of the program's outcomes,
23 including data related to student performance on the measures
24 provided for in paragraph (7)(f).

25 (12) By February 15 of each year, the Department of
26 Education shall submit to the President of the Senate, the
27 Speaker of the House of Representatives, the Commissioner of
28 Education, and the Governor a report that evaluates the
29 effectiveness of the college reach-out program. To the extent
30 feasible, the performance of college reach-out program
31 participants must be compared to the performance of comparable

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1 cohorts of students in public school and postsecondary
2 education.

3 (13) Funding for the college reach-out program shall
4 be provided in the General Appropriations Act.

5 Section 365. Chapter 1008, Florida Statutes, shall be
6 entitled "Assessment and Accountability" and shall consist of
7 ss. 1008.01-1008.51.

8 Section 366. Part I of chapter 1008, Florida Statutes,
9 shall be entitled "Assessment, K-20" and shall consist of ss.
10 1008.21-1008.30.

11 Section 367. Effective upon this act becoming a law,
12 section 1008.21, Florida Statutes, is created to read:

13 1008.21 School readiness uniform screening
14 (kindergarten).--

15 (1) The Department of Education shall implement the
16 school readiness uniform screening developed by the Florida
17 Partnership for School Readiness, and shall require that all
18 school districts administer the kindergarten uniform screening
19 to each kindergarten student in the district school system
20 upon the student's entry into kindergarten.

21 (2)(a) The Department of Education shall implement the
22 school readiness uniform screening to validate the system
23 recommended by the Florida Partnership for School Readiness as
24 part of a comprehensive evaluation design. Beginning with the
25 2002-2003 school year, the department shall require that all
26 school districts administer the school readiness uniform
27 screening to each kindergarten student in the district school
28 system upon the student's entry into kindergarten. Children
29 who enter public school for the first time in first grade must
30 be administered the school readiness uniform screening adopted
31 for use in first grade. The department shall incorporate

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1 school readiness data into the K-20 data warehouse for
2 longitudinal tracking.

3 (b) The uniform screening shall provide objective data
4 regarding the following expectations for school readiness
5 which shall include, at a minimum:

6 1. The child's immunizations and other health
7 requirements as necessary, including appropriate vision and
8 hearing screening and examinations.

9 2. The child's physical development.

10 3. The child's compliance with rules, limitations, and
11 routines.

12 4. The child's ability to perform tasks.

13 5. The child's interactions with adults.

14 6. The child's interactions with peers.

15 7. The child's ability to cope with challenges.

16 8. The child's self-help skills.

17 9. The child's ability to express his or her needs.

18 10. The child's verbal communication skills.

19 11. The child's problem-solving skills.

20 12. The child's ability to follow verbal directions.

21 13. The child's demonstration of curiosity,

22 persistence, and exploratory behavior.

23 14. The child's interest in books and other printed
24 materials.

25 15. The child's ability to pay attention to stories.

26 16. The child's participation in art and music
27 activities.

28 17. The child's ability to identify colors, geometric
29 shapes, letters of the alphabet, numbers, and spatial and
30 temporal relationships.

31 Section 368. Section 1008.22, Florida Statutes, is

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1 created to read:

2 1008.22 Student assessment program for public
3 schools.--

4 (1) PURPOSE.--The primary purposes of the student
5 assessment program are to provide information needed to
6 improve the public schools by enhancing the learning gains of
7 all students and to inform parents of the educational progress
8 of their public school children. The program must be designed
9 to:

10 (a) Assess the annual learning gains of each student
11 toward achieving the Sunshine State Standards appropriate for
12 the student's grade level.

13 (b) Provide data for making decisions regarding school
14 accountability and recognition.

15 (c) Identify the educational strengths and needs of
16 students and the readiness of students to be promoted to the
17 next grade level or to graduate from high school with a
18 standard high school diploma.

19 (d) Assess how well educational goals and performance
20 standards are met at the school, district, and state levels.

21 (e) Provide information to aid in the evaluation and
22 development of educational programs and policies.

23 (f) Provide information on the performance of Florida
24 students compared with others across the United States.

25 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's
26 intent to participate in the measurement of national
27 educational goals. The Commissioner of Education shall direct
28 Florida school districts to participate in the administration
29 of the National Assessment of Educational Progress, or a
30 similar national assessment program, both for the national
31 sample and for any state-by-state comparison programs which

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1 may be initiated. Such assessments must be conducted using
2 the data collection procedures, the student surveys, the
3 educator surveys, and other instruments included in the
4 National Assessment of Educational Progress or similar program
5 being administered in Florida. The results of these
6 assessments shall be included in the annual report of the
7 Commissioner of Education specified in this section. The
8 administration of the National Assessment of Educational
9 Progress or similar program shall be in addition to and
10 separate from the administration of the statewide assessment
11 program.

12 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
13 shall design and implement a statewide program of educational
14 assessment that provides information for the improvement of
15 the operation and management of the public schools, including
16 schools operating for the purpose of providing educational
17 services to youth in Department of Juvenile Justice programs.
18 Pursuant to the statewide assessment program, the commissioner
19 shall:

20 (a) Submit to the State Board of Education a list that
21 specifies student skills and competencies to which the goals
22 for education specified in the state plan apply, including,
23 but not limited to, reading, writing, science, and
24 mathematics. The skills and competencies must include
25 problem-solving and higher-order skills as appropriate and
26 shall be known as the Sunshine State Standards as defined in
27 s. 1000.21. The commissioner shall select such skills and
28 competencies after receiving recommendations from educators,
29 citizens, and members of the business community. The
30 commissioner shall submit to the State Board of Education
31 revisions to the list of student skills and competencies in

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1 order to maintain continuous progress toward improvements in
2 student proficiency.

3 (b) Develop and implement a uniform system of
4 indicators to describe the performance of public school
5 students and the characteristics of the public school
6 districts and the public schools. These indicators must
7 include, without limitation, information gathered by the
8 comprehensive management information system created pursuant
9 to s. 1008.385 and student achievement information obtained
10 pursuant to this section.

11 (c) Develop and implement a student achievement
12 testing program known as the Florida Comprehensive Assessment
13 Test (FCAT) as part of the statewide assessment program, to be
14 administered annually in grades 3 through 10 to measure
15 reading, writing, science, and mathematics. Other content
16 areas may be included as directed by the commissioner. The
17 testing program must be designed so that:

18 1. The tests measure student skills and competencies
19 adopted by the State Board of Education as specified in
20 paragraph (a). The tests must measure and report student
21 proficiency levels in reading, writing, mathematics, and
22 science. The commissioner shall provide for the tests to be
23 developed or obtained, as appropriate, through contracts and
24 project agreements with private vendors, public vendors,
25 public agencies, postsecondary educational institutions, or
26 school districts. The commissioner shall obtain input with
27 respect to the design and implementation of the testing
28 program from state educators and the public.

29 2. The testing program will include a combination of
30 norm-referenced and criterion-referenced tests and include, to
31 the extent determined by the commissioner, questions that

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1 require the student to produce information or perform tasks in
2 such a way that the skills and competencies he or she uses can
3 be measured.

4 3. Each testing program, whether at the elementary,
5 middle, or high school level, includes a test of writing in
6 which students are required to produce writings that are then
7 scored by appropriate methods.

8 4. A score is designated for each subject area tested,
9 below which score a student's performance is deemed
10 inadequate. The school districts shall provide appropriate
11 remedial instruction to students who score below these levels.

12 5. Students must earn a passing score on the grade 10
13 assessment test described in this paragraph in reading,
14 writing, and mathematics to qualify for a regular high school
15 diploma. The State Board of Education shall designate a
16 passing score for each part of the grade 10 assessment test.
17 In establishing passing scores, the state board shall consider
18 any possible negative impact of the test on minority students.
19 All students who took the grade 10 FCAT during the 2000-2001
20 school year shall be required to earn the passing scores in
21 reading and mathematics established by the State Board of
22 Education for the March 2001 test administration. Such
23 students who did not earn the established passing scores and
24 must repeat the grade 10 FCAT are required to earn the passing
25 scores established for the March 2001 test administration.
26 All students who take the grade 10 FCAT for the first time in
27 March 2002 and thereafter shall be required to earn the
28 passing scores in reading and mathematics established by the
29 State Board of Education for the March 2002 test
30 administration. The State Board of Education shall adopt
31 rules which specify the passing scores for the grade 10 FCAT.

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1 Any such rules, which have the effect of raising the required
2 passing scores, shall only apply to students taking the grade
3 10 FCAT after such rules are adopted by the State Board of
4 Education.

5 6. Participation in the testing program is mandatory
6 for all students attending public school, including students
7 served in Department of Juvenile Justice programs, except as
8 otherwise prescribed by the commissioner. If a student does
9 not participate in the statewide assessment, the district must
10 notify the student's parent and provide the parent with
11 information regarding the implications of such
12 nonparticipation. If modifications are made in the student's
13 instruction to provide accommodations that would not be
14 permitted on the statewide assessment tests, the district must
15 notify the student's parent of the implications of such
16 instructional modifications. A parent must provide signed
17 consent for a student to receive instructional modifications
18 that would not be permitted on the statewide assessments and
19 must acknowledge in writing that he or she understands the
20 implications of such accommodations. The State Board of
21 Education shall adopt rules, based upon recommendations of the
22 commissioner, for the provision of test accommodations and
23 modifications of procedures as necessary for students in
24 exceptional education programs and for students who have
25 limited English proficiency. Accommodations that negate the
26 validity of a statewide assessment are not allowable.

27 7. A student seeking an adult high school diploma must
28 meet the same testing requirements that a regular high school
29 student must meet.

30 8. District school boards must provide instruction to
31 prepare students to demonstrate proficiency in the skills and

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1 competencies necessary for successful grade-to-grade
2 progression and high school graduation. If a student is
3 provided with accommodations or modifications that are not
4 allowable in the statewide assessment program, as described in
5 the test manuals, the district must inform the parent in
6 writing and must provide the parent with information regarding
7 the impact on the student's ability to meet expected
8 proficiency levels in reading, writing, and math. The
9 commissioner shall conduct studies as necessary to verify that
10 the required skills and competencies are part of the district
11 instructional programs.

12 9. The Department of Education must develop, or
13 select, and implement a common battery of assessment tools
14 that will be used in all juvenile justice programs in the
15 state. These tools must accurately measure the skills and
16 competencies established in the Florida Sunshine State
17 Standards.

18
19 The commissioner may design and implement student testing
20 programs, for any grade level and subject area, necessary to
21 effectively monitor educational achievement in the state.

22 (d) Conduct ongoing research to develop improved
23 methods of assessing student performance, including, without
24 limitation, the use of technology to administer tests, score,
25 or report the results of, the use of electronic transfer of
26 data, the development of work-product assessments, and the
27 development of process assessments.

28 (e) Conduct ongoing research and analysis of student
29 achievement data, including, without limitation, monitoring
30 trends in student achievement, identifying school programs
31 that are successful, and analyzing correlates of school

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1 achievement.

2 (f) Provide technical assistance to school districts
3 in the implementation of state and district testing programs
4 and the use of the data produced pursuant to such programs.

5 (4) DISTRICT TESTING PROGRAMS.--Each district school
6 board shall periodically assess student performance and
7 achievement within each school of the district. The assessment
8 programs must be based upon local goals and objectives that
9 are compatible with the state plan for education and that
10 supplement the skills and competencies adopted by the State
11 Board of Education. All school districts must participate in
12 the statewide assessment program designed to measure annual
13 student learning and school performance. All district school
14 boards shall report assessment results as required by the
15 state management information system.

16 (5) SCHOOL TESTING PROGRAMS.--Each public school shall
17 participate in the statewide assessment program, unless
18 specifically exempted by state board rule based on serving a
19 specialized population for which standardized testing is not
20 appropriate. Student performance data shall be analyzed and
21 reported to parents, the community, and the state. Student
22 performance data shall be used in developing objectives of the
23 school improvement plan, evaluation of instructional
24 personnel, evaluation of administrative personnel, assignment
25 of staff, allocation of resources, acquisition of
26 instructional materials and technology, performance-based
27 budgeting, and promotion and assignment of students into
28 educational programs. The analysis of student performance data
29 also must identify strengths and needs in the educational
30 program and trends over time. The analysis must be used in
31 conjunction with the budgetary planning processes developed

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1 pursuant to s. 1008.385 and the development of the programs of
2 remediation.

3 (6) REQUIRED ANALYSES.--The commissioner shall
4 provide, at a minimum, for the following analyses of data
5 produced by the student achievement testing program:

6 (a) The statistical system for the annual assessments
7 shall use measures of student learning, such as the FCAT, to
8 determine teacher, school, and school district statistical
9 distributions, which shall be determined using available data
10 from the FCAT, and other data collection as deemed appropriate
11 by the Department of Education, to measure the differences in
12 student prior year achievement compared to the current year
13 achievement for the purposes of accountability and
14 recognition.

15 (b) The statistical system shall provide the best
16 estimates of teacher, school, and school district effects on
17 student progress. The approach used by the department shall be
18 approved by the commissioner before implementation.

19 (c) The annual testing program shall be administered
20 to provide for valid statewide comparisons of learning gains
21 to be made for purposes of accountability and recognition. The
22 commissioner shall establish a schedule for the administration
23 of the statewide assessments. In establishing such schedule,
24 the commissioner is charged with the duty to accomplish the
25 latest possible administration of the statewide assessments
26 and the earliest possible provision of the results to the
27 school districts feasible within available technology and
28 specific appropriation. District school boards shall not
29 establish school calendars that jeopardize or limit the valid
30 testing and comparison of student learning gains.

31 (7) LOCAL ASSESSMENTS.--Measurement of the learning

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1 gains of students in all subjects and grade levels other than
2 subjects and grade levels required for the state student
3 achievement testing program is the responsibility of the
4 school districts.

5 (8) APPLICABILITY OF TESTING STANDARDS.--A student
6 must meet the testing requirements for high school graduation
7 that were in effect at the time the student entered 9th grade,
8 provided the student's enrollment was continuous.

9 (9) RULES.--The State Board of Education shall adopt
10 rules pursuant to ss. 120.536(1) and 120.54 to implement the
11 provisions of this section.

12 Section 369. Section 1008.23, Florida Statutes, is
13 created to read:

14 1008.23 Confidentiality of assessment
15 instruments.--All examination and assessment instruments,
16 including developmental materials and workpapers directly
17 related thereto, which are prepared, prescribed, or
18 administered pursuant to ss. 1003.43, 1008.22, and 1008.25
19 shall be confidential and exempt from the provisions of s.
20 119.07(1) and from s. 1001.52. Provisions governing access,
21 maintenance, and destruction of such instruments and related
22 materials shall be prescribed by rules of the State Board of
23 Education.

24 Section 370. Section 1008.24, Florida Statutes, is
25 created to read:

26 1008.24 Test security.--

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

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1 administered by school districts pursuant to s. 1008.22, or,
2 with respect to any such test, knowingly and willfully to:
3 (a) Give examinees access to test questions prior to
4 testing;
5 (b) Copy, reproduce, or use in any manner inconsistent
6 with test security rules all or any portion of any secure test
7 booklet;
8 (c) Coach examinees during testing or alter or
9 interfere with examinees' responses in any way;
10 (d) Make answer keys available to examinees;
11 (e) Fail to follow security rules for distribution and
12 return of secure test as directed, or fail to account for all
13 secure test materials before, during, and after testing;
14 (f) Fail to follow test administration directions
15 specified in the test administration manuals; or
16 (g) Participate in, direct, aid, counsel, assist in,
17 or encourage any of the acts prohibited in this section.
18 (2) Any person who violates this section commits a
19 misdemeanor of the first degree, punishable as provided in s.
20 775.082 or s. 775.083.
21 (3) A district school superintendent, a president of a
22 public postsecondary educational institution, or a president
23 of a nonpublic postsecondary educational institution shall
24 cooperate with the Commissioner of Education in any
25 investigation concerning the administration of a test
26 administered pursuant to state statute or rule.
27 Section 371. Section 1008.25, Florida Statutes, is
28 created to read:
29 1008.25 Public school student progression; remedial
30 instruction; reporting requirements.--
31 (1) INTENT.--It is the intent of the Legislature that

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1 each student's progression from one grade to another be
2 determined, in part, upon proficiency in reading, writing,
3 science, and mathematics; that district school board policies
4 facilitate such proficiency; and that each student and his or
5 her parent be informed of that student's academic progress.

6 (2) COMPREHENSIVE PROGRAM.--Each district school board
7 shall establish a comprehensive program for student
8 progression which must include:

9 (a) Standards for evaluating each student's
10 performance, including how well he or she masters the
11 performance standards approved by the State Board of
12 Education.

13 (b) Specific levels of performance in reading,
14 writing, science, and mathematics for each grade level,
15 including the levels of performance on statewide assessments
16 as defined by the commissioner, below which a student must
17 receive remediation, or be retained within an intensive
18 program that is different from the previous year's program and
19 that takes into account the student's learning style.

20 (c) Appropriate alternative placement for a student
21 who has been retained 2 or more years.

22 (3) ALLOCATION OF RESOURCES.--District school boards
23 shall allocate remedial and supplemental instruction resources
24 to students in the following priority:

25 (a) Students who are deficient in reading by the end
26 of grade 3.

27 (b) Students who fail to meet performance levels
28 required for promotion consistent with the district school
29 board's plan for student progression required in paragraph

30 (2)(b).

31 (4) ASSESSMENT AND REMEDIATION.--

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1 (a) Each student must participate in the statewide
2 assessment tests required by s. 1008.22. Each student who does
3 not meet specific levels of performance as determined by the
4 district school board in reading, writing, science, and
5 mathematics for each grade level, or who does not meet
6 specific levels of performance as determined by the
7 commissioner on statewide assessments at selected grade
8 levels, must be provided with additional diagnostic
9 assessments to determine the nature of the student's
10 difficulty and areas of academic need.

11 (b) The school in which the student is enrolled must
12 develop, in consultation with the student's parent, and must
13 implement an academic improvement plan designed to assist the
14 student in meeting state and district expectations for
15 proficiency. Beginning with the 2002-2003 school year, if the
16 student has been identified as having a deficiency in reading,
17 the academic improvement plan shall identify the student's
18 specific areas of deficiency in phonemic awareness, phonics,
19 fluency, comprehension, and vocabulary; the desired levels of
20 performance in these areas; and the instructional and support
21 services to be provided to meet the desired levels of
22 performance. Schools shall also provide for the frequent
23 monitoring of the student's progress in meeting the desired
24 levels of performance. District school boards shall assist
25 schools and teachers to implement research-based reading
26 activities that have been shown to be successful in teaching
27 reading to low-performing students. Remedial instruction
28 provided during high school may not be in lieu of English and
29 mathematics credits required for graduation.

30 (c) Upon subsequent evaluation, if the documented
31 deficiency has not been remediated in accordance with the

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1 academic improvement plan, the student may be retained. Each
2 student who does not meet the minimum performance expectations
3 defined by the Commissioner of Education for the statewide
4 assessment tests in reading, writing, science, and mathematics
5 must continue to be provided with remedial or supplemental
6 instruction until the expectations are met or the student
7 graduates from high school or is not subject to compulsory
8 school attendance.

9 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

10 (a) It is the ultimate goal of the Legislature that
11 every student read at or above grade level. Any student who
12 exhibits a substantial deficiency in reading, based upon
13 locally determined or statewide assessments conducted in
14 kindergarten or grade 1, grade 2, or grade 3, or through
15 teacher observations, must be given intensive reading
16 instruction immediately following the identification of the
17 reading deficiency. The student's reading proficiency must be
18 reassessed by locally determined assessments or through
19 teacher observations at the beginning of the grade following
20 the intensive reading instruction. The student must continue
21 to be provided with intensive reading instruction until the
22 reading deficiency is remedied.

23 (b) Beginning with the 2002-2003 school year, if the
24 student's reading deficiency, as identified in paragraph (a),
25 is not remedied by the end of grade 3, as demonstrated by
26 scoring at Level 2 or higher on the statewide assessment test
27 in reading for grade 3, the student must be retained.

28 (c) Beginning with the 2002-2003 school year, the
29 parent of any student who exhibits a substantial deficiency in
30 reading, as described in paragraph (a), must be notified in
31 writing of the following:

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1 1. That his or her child has been identified as having
2 a substantial deficiency in reading.

3 2. A description of the current services that are
4 provided to the child.

5 3. A description of the proposed supplemental
6 instructional services and supports that will be provided to
7 the child that are designed to remediate the identified area
8 of reading deficiency.

9 4. That if the child's reading deficiency is not
10 remediated by the end of grade 3, the child must be retained
11 unless he or she is exempt from mandatory retention for good
12 cause.

13 (6) ELIMINATION OF SOCIAL PROMOTION.--

14 (a) No student may be assigned to a grade level based
15 solely on age or other factors that constitute social
16 promotion.

17 (b) The district school board may only exempt students
18 from mandatory retention, as provided in paragraph (5)(b), for
19 good cause. Good cause exemptions shall be limited to the
20 following:

21 1. Limited English proficient students who have had
22 less than 2 years of instruction in an English for Speakers of
23 Other Languages program.

24 2. Students with disabilities whose individual
25 education plan indicates that participation in the statewide
26 assessment program is not appropriate, consistent with the
27 requirements of State Board of Education rule.

28 3. Students who demonstrate an acceptable level of
29 performance on an alternative standardized reading assessment
30 approved by the State Board of Education.

31 4. Students who demonstrate, through a student

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1 portfolio, that the student is reading on grade level as
2 evidenced by demonstration of mastery of the Sunshine State
3 Standards in reading equal to at least a Level 2 performance
4 on the FCAT.

5 5. Students with disabilities who participate in the
6 FCAT and who have an individual education plan or a Section
7 504 plan that reflects that the student has received the
8 intensive remediation in reading, as required by paragraph
9 (4)(b), for more than 2 years but still demonstrates a
10 deficiency in reading and was previously retained in
11 kindergarten, grade 1, or grade 2.

12 6. Students who have received the intensive
13 remediation in reading as required by paragraph (4)(b) for 2
14 or more years but still demonstrate a deficiency in reading
15 and who were previously retained in kindergarten, grade 1, or
16 grade 2 for a total of 2 years. Intensive reading instruction
17 for students so promoted must include an altered instructional
18 day based upon an academic improvement plan that includes
19 specialized diagnostic information and specific reading
20 strategies for each student. The district school board shall
21 assist schools and teachers to implement reading strategies
22 that research has shown to be successful in improving reading
23 among low performing readers.

24 (c) Requests for good cause exemptions for students
25 from the mandatory retention requirement as described in
26 subparagraphs (b)3. and 4. shall be made consistent with the
27 following:

28 1. Documentation shall be submitted from the student's
29 teacher to the school principal that indicates that the
30 promotion of the student is appropriate and is based upon the
31 student's academic record. In order to minimize paperwork

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1 requirements, such documentation shall consist only of the
2 existing academic improvement plan, individual educational
3 plan, if applicable, report card, or student portfolio.

4 2. The school principal shall review and discuss such
5 recommendation with the teacher and make the determination as
6 to whether the student should be promoted or retained. If the
7 school principal determines that the student should be
8 promoted, the school principal shall make such recommendation
9 in writing to the district school superintendent. The
10 district school superintendent shall accept or reject the
11 school principal's recommendation in writing.

12 (7) ANNUAL REPORT.--

13 (a) In addition to the requirements in paragraph
14 (5)(b), each district school board must annually report to the
15 parent of each student the progress of the student towards
16 achieving state and district expectations for proficiency in
17 reading, writing, science, and mathematics. The district
18 school board must report to the parent the student's results
19 on each statewide assessment test. The evaluation of each
20 student's progress must be based upon the student's classroom
21 work, observations, tests, district and state assessments, and
22 other relevant information. Progress reporting must be
23 provided to the parent in writing in a format adopted by the
24 district school board.

25 (b) Beginning with the 2001-2002 school year, each
26 district school board must annually publish in the local
27 newspaper, and report in writing to the State Board of
28 Education by September 1 of each year, the following
29 information on the prior school year:

30 1. The provisions of this section relating to public
31 school student progression and the district school board's

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1 policies and procedures on student retention and promotion.

2 2. By grade, the number and percentage of all students
3 in grades 3 through 10 performing at Levels 1 and 2 on the
4 reading portion of the FCAT.

5 3. By grade, the number and percentage of all students
6 retained in grades 3 through 10.

7 4. Information on the total number of students who
8 were promoted for good cause, by each category of good cause
9 as specified in paragraph (6)(b).

10 5. Any revisions to the district school board's policy
11 on student retention and promotion from the prior year.

12 (8) STATE BOARD AUTHORITY AND RESPONSIBILITIES.--

13 (a) The State Board of Education shall have authority
14 as provided in s. 1008.32 to enforce this section.

15 (b) The State Board of Education shall adopt rules
16 pursuant to ss. 120.536(1) and 120.54 for the administration
17 of this section.

18 (9) TECHNICAL ASSISTANCE.--The department shall
19 provide technical assistance as needed to aid district school
20 boards in administering this section.

21 Section 372. Section 1008.29, Florida Statutes, is
22 created to read:

23 1008.29 College-level communication and mathematics
24 skills examination (CLAST).--

25 (1) It is the intent of the Legislature that the
26 examination of college-level communication and mathematics
27 skills provided in s. 1008.345(3) serve as a mechanism for
28 students to demonstrate that they have mastered the academic
29 competencies prerequisite to upper-division undergraduate
30 instruction. It is further intended that the examination
31 serve as both a summative evaluation instrument prior to

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1 student enrollment in upper-division programs and as a source
2 of information for student advisers. It is not intended that
3 student passage of the examination supplant the need for a
4 student to complete the general education curriculum
5 prescribed by an institution.

6 (2) Public postsecondary educational institutions
7 shall administer a minimum of two administrations, one of
8 which may consist of an alternative administration, of the
9 college-level communication and computation skills examination
10 per academic term. Such administrations shall be available to
11 all lower-division students seeking associate in arts or
12 baccalaureate degrees upon completion of at least 18 semester
13 hours or the equivalent. Public postsecondary educational
14 institutions shall report at a minimum the examination scores
15 of all students tested at each administration of the
16 college-level communication and computation skills
17 examination.

18 (3) No public postsecondary educational institution
19 shall confer an associate in arts or baccalaureate degree upon
20 any student who fails to complete successfully the examination
21 of college-level communication and computation skills.
22 Students who received their associate in arts degree prior to
23 September 1, 1982, shall be exempt from the provisions of this
24 subsection.

25 (4) The State Board of Education, by rule, shall set
26 the minimum scores that constitute successful completion of
27 the examination. In establishing the minimum scores that
28 constitute successful completion of the examination, the State
29 Board of Education shall consider any possible negative impact
30 of the tests on minority students. Determinations regarding a
31 student's successful completion of the examination shall be

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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

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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 (b) Demonstrates successful remediation of any

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1 academic deficiencies identified by the college placement test
2 and achieves a cumulative grade point average of 2.5 or above,
3 on a 4.0 scale, in postsecondary-level coursework identified
4 by the State Board of Education. The Department of Education
5 shall specify the means by which a student may demonstrate
6 successful remediation.

7
8 Any student denied a degree prior to January 1, 1996, based on
9 the failure of at least one subtest of the CLAST may use
10 either of the alternatives specified in this subsection for
11 receipt of a degree if such student meets all degree program
12 requirements at the time of application for the degree under
13 the exemption provisions of this subsection. This section does
14 not require a student to take the CLAST before being given the
15 opportunity to use any of the alternatives specified in this
16 subsection. The exemptions provided herein do not apply to
17 requirements for certification as provided in s. 1012.56.

18 Section 373. Section 1008.30, Florida Statutes, is
19 created to read:

20 1008.30 Common placement testing for public
21 postsecondary education.--

22 (1) The State Board of Education shall develop and
23 implement a common placement test for the purpose of assessing
24 the basic computation and communication skills of students who
25 intend to enter a degree program at any public postsecondary
26 educational institution. The State Board of Education shall
27 adopt rules which enable public postsecondary educational
28 institutions to implement appropriate modifications of the
29 test instruments or test procedures for students with
30 disabilities.

31 (2) The common placement testing program shall include

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1 at a minimum the following: the capacity to diagnose basic
2 competencies in the areas of English, reading, and mathematics
3 which are essential to perform college-level work;
4 prerequisite skills that relate to progressively advanced
5 instruction in mathematics, such as algebra and geometry;
6 prerequisite skills that relate to progressively advanced
7 instruction in language arts, such as English composition and
8 literature; prerequisite skills which relate to the College
9 Level Academic Skills Test (CLAST); and provision of test
10 information to students on the specific deficiencies.

11 (3) The State Board of Education shall adopt rules
12 that would require high schools to give the common placement
13 test prescribed in this section, or an equivalent test
14 identified by the State Board of Education, at the beginning
15 of the tenth grade year before enrollment in the eleventh
16 grade year in public high school for the purpose of obtaining
17 remedial instruction prior to entering public postsecondary
18 education.

19 (4)(a) Public postsecondary educational institution
20 students who have been identified as requiring additional
21 preparation pursuant to subsection (1) shall enroll in
22 college-preparatory or other adult education pursuant to s.
23 1004.93 in community colleges to develop needed college-entry
24 skills. These students shall be permitted to take courses
25 within their degree program concurrently in other curriculum
26 areas for which they are qualified while enrolled in
27 college-preparatory instruction courses. A student enrolled
28 in a college-preparatory course may concurrently enroll only
29 in college credit courses that do not require the skills
30 addressed in the college-preparatory course. The State Board
31 of Education shall specify the college credit courses that are

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1 acceptable for students enrolled in each college-preparatory
2 skill area, pursuant to s. 1001.02(7)(g). A student who wishes
3 to earn an associate in arts or a baccalaureate degree, but
4 who is required to complete a college-preparatory course, must
5 successfully complete the required college-preparatory studies
6 by the time the student has accumulated 12 hours of
7 lower-division college credit degree coursework; however, a
8 student may continue enrollment in degree-earning coursework
9 provided the student maintains enrollment in
10 college-preparatory coursework for each subsequent semester
11 until college-preparatory coursework requirements are
12 completed, and the student demonstrates satisfactory
13 performance in degree-earning coursework. A passing score on
14 a standardized, institutionally developed test must be
15 achieved before a student is considered to have met basic
16 computation and communication skills requirements; however, no
17 student shall be required to retake any test or subtest that
18 was previously passed by said student. Credit awarded for
19 college-preparatory instruction may not be counted towards
20 fulfilling the number of credits required for a degree.

21 (b) The university board of trustees may contract with
22 a community college board of trustees for the community
23 college to provide such instruction on the state university
24 campus. Any state university in which the percentage of
25 incoming students requiring college-preparatory instruction
26 equals or exceeds the average percentage of such students for
27 the community college system may offer college-preparatory
28 instruction without contracting with a community college;
29 however, any state university offering college-preparatory
30 instruction as of January 1, 1996, may continue to provide
31 such services.

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1 (5) A student may not be enrolled in a college credit
2 mathematics or English course on a dual enrollment basis
3 unless the student has demonstrated adequate precollegiate
4 preparation on the section of the basic computation and
5 communication skills assessment required pursuant to
6 subsection (1) that is appropriate for successful student
7 participation in the course.

8 Section 374. Part II of chapter 1008, Florida
9 Statutes, shall be entitled "Accountability, K-20" and shall
10 consist of ss. 1008.31-1008.46.

11 Section 375. Section 1008.31, Florida Statutes, is
12 created to read:

13 1008.31 Florida's K-20 education performance
14 accountability system; legislative intent; performance-based
15 funding; mission, goals, and systemwide measures.--

16 (1) LEGISLATIVE INTENT.--It is the intent of the
17 Legislature that:

18 (a) The performance accountability system implemented
19 to assess the effectiveness of Florida's seamless K-20
20 education delivery system provide answers to the following
21 questions in relation to its mission and goals:

22 1. What is the public receiving in return for funds it
23 invests in education?

24 2. How effectively is Florida's K-20 education system
25 educating its students?

26 3. How effectively are the major delivery sectors
27 promoting student achievement?

28 4. How are individual schools and postsecondary
29 education institutions performing their responsibility to
30 educate their students as measured by how students are
31 performing and how much they are learning?

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1 (b) The State Board of Education recommend to the
2 Legislature systemwide performance standards; the Legislature
3 establish systemwide performance measures and standards; and
4 the systemwide measures and standards provide Floridians with
5 information on what the public is receiving in return for the
6 funds it invests in education and how well the K-20 system
7 educates its students.

8 (c) The State Board of Education establish performance
9 measures and set performance standards for individual
10 components of the public education system, including
11 individual schools and postsecondary educational institutions,
12 with measures and standards based primarily on student
13 achievement.

14 (2) PERFORMANCE-BASED FUNDING.--The State Board of
15 Education shall cooperate with the Commissioner of Education
16 and each delivery system to develop proposals for
17 performance-based funding, using performance measures
18 established by the Legislature. The proposals must provide
19 that at least 10 percent of the state funds appropriated for
20 the K-20 education system are conditional upon meeting or
21 exceeding established performance standards. The State Board
22 of Education must submit the recommendations to the
23 Legislature in the following sequence:

24 (a) By December 1, 2002, recommendations for state
25 universities, for consideration by the 2003 Legislature and
26 implementation in the 2003-2004 fiscal year.

27 (b) By December 1, 2003, recommendations for public
28 schools and workforce education, for consideration by the 2004
29 Legislature and implementation in the 2004-2005 fiscal year.

30 (c) By December 1, 2004, recommendations for community
31 colleges, for consideration by the 2005 Legislature and

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1 implementation in the 2005-2006 fiscal year.

2 (d) By December 1, 2005, recommendations for all other
3 programs that receive state funds within the Department of
4 Education.

5 (3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--The
6 mission of Florida's K-20 education system shall be to
7 increase the proficiency of all students within one seamless,
8 efficient system, by allowing them the opportunity to expand
9 their knowledge and skills through learning opportunities and
10 research valued by students, parents, and communities, and to
11 maintain an accountability system that measures student
12 progress toward the following goals:

13 (a) Highest student achievement, as measured by:
14 student FCAT performance and annual learning gains; the number
15 and percentage of schools that improve at least one school
16 performance grade designation or maintain a school performance
17 grade designation of "A" pursuant to s. 1008.34; graduation or
18 completion rates at all learning levels; and other measures
19 identified in law or rule.

20 (b) Seamless articulation and maximum access, as
21 measured by: the percentage of students who demonstrate
22 readiness for the educational level they are entering, from
23 kindergarten through postsecondary education and into the
24 workforce; the number and percentage of students needing
25 remediation; the percentage of Floridians who complete
26 associate, baccalaureate, professional, and postgraduate
27 degrees; the number and percentage of credits that articulate;
28 the extent to which each set of exit-point requirements
29 matches the next set of entrance-point requirements; and other
30 measures identified in law or rule.

31 (c) Skilled workforce and economic development, as

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1 measured by: the number and percentage of graduates employed
2 in their areas of preparation; the percentage of Floridians
3 with high school diplomas and postsecondary education
4 credentials; the percentage of business and community members
5 who find that Florida's graduates possess the skills they
6 need; and other measures identified in law or rule.

7 (d) Quality efficient services, as measured by: cost
8 per completer or graduate; average cost per noncompleter at
9 each educational level; cost disparity across institutions
10 offering the same degrees; the percentage of education
11 customers at each educational level who are satisfied with the
12 education provided; and other measures identified in law or
13 rule.

14 (4) SYSTEMWIDE DATA COLLECTION.--School districts and
15 public postsecondary educational institutions shall maintain
16 information systems that will provide the State Board of
17 Education and the Legislature with information and reports at
18 a level of comprehensiveness and quality no less than that
19 which was available as of June 30, 2001.

20 Section 376. Section 1008.32, Florida Statutes, is
21 created to read:

22 1008.32 State Board of Education oversight enforcement
23 authority.--The State Board of Education shall oversee the
24 performance of district school boards and public postsecondary
25 educational institution boards in enforcement of all laws and
26 rules. District school boards and public postsecondary
27 educational institution boards shall be primarily responsible
28 for compliance with law and state board rule.

29 (1) In order to ensure compliance with law or state
30 board rule, the State Board of Education shall have the
31 authority to request and receive information, data, and

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1 reports from school districts and public postsecondary
2 educational institutions. District school superintendents and
3 public postsecondary educational institution presidents are
4 responsible for the accuracy of the information and data
5 reported to the state board.

6 (2) The Commissioner of Education may investigate
7 allegations of noncompliance with law or state board rule and
8 determine probable cause, the commissioner shall report to the
9 State Board of Education which shall require the district
10 school board or public postsecondary educational institution
11 board to document compliance with law or state board rule.

12 (3) If the district school board or public
13 postsecondary educational institution board cannot
14 satisfactorily document compliance, the State Board of
15 Education may order compliance within a specified timeframe.

16 (4) If the State Board of Education determines that a
17 district school board or public postsecondary educational
18 institution board is unwilling or unable to comply with law or
19 state board rule within the specified time, the state board
20 shall have the authority to initiate any of the following
21 actions:

22 (a) Report to the Legislature that the school district
23 or public postsecondary educational institution has been
24 unwilling or unable to comply with law or state board rule and
25 recommend action to be taken by the Legislature.

26 (b) Reduce the discretionary lottery appropriation
27 until the school district or public postsecondary education
28 institution complies with the law or state board rule.

29 (c) Withhold the transfer of state funds,
30 discretionary grant funds, or any other funds specified as
31 eligible for this purpose by the Legislature until the school

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1 district or public postsecondary educational institution
2 complies with the law or state board rule.

3 (d) Declare the school district or public
4 postsecondary educational institution ineligible for
5 competitive grants.

6 (e) Require monthly or periodic reporting on the
7 situation related to noncompliance until it is remedied.

8 (5) Nothing in this section shall be construed to
9 create a private cause of action or create any rights for
10 individuals or entities in addition to those provided
11 elsewhere in law or rule.

12 Section 377. Section 1008.33, Florida Statutes, is
13 created to read:

14 1008.33 Authority to enforce public school
15 improvement.--It is the intent of the Legislature that all
16 public schools be held accountable for students performing at
17 acceptable levels. A system of school improvement and
18 accountability that assesses student performance by school,
19 identifies schools in which students are not making adequate
20 progress toward state standards, institutes appropriate
21 measures for enforcing improvement, and provides rewards and
22 sanctions based on performance shall be the responsibility of
23 the State Board of Education.

24 (1) Pursuant to Art. IX of the State Constitution
25 prescribing the duty of the State Board of Education to
26 supervise Florida's public school system and notwithstanding
27 any other statutory provisions to the contrary, the State
28 Board of Education shall intervene in the operation of a
29 district school system when one or more schools in the school
30 district have failed to make adequate progress for 2 school
31 years in a 4-year period. For purposes of determining when a

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1 school is eligible for state board action and opportunity
2 scholarships for its students, the terms "2 years in any
3 4-year period" and "2 years in a 4-year period" mean that in
4 any year that a school has a grade of "F," the school is
5 eligible for state board action and opportunity scholarships
6 for its students if it also has had a grade of "F" in any of
7 the previous 3 school years. The State Board of Education may
8 determine that the school district or school has not taken
9 steps sufficient for students in the school to be academically
10 well served. Considering recommendations of the Commissioner
11 of Education, the State Board of Education shall recommend
12 action to a district school board intended to improve
13 educational services to students in each school that is
14 designated as performance grade category "F." Recommendations
15 for actions to be taken in the school district shall be made
16 only after thorough consideration of the unique
17 characteristics of a school, which shall include student
18 mobility rates, the number and type of exceptional students
19 enrolled in the school, and the availability of options for
20 improved educational services. The state board shall adopt by
21 rule steps to follow in this process. Such steps shall
22 provide school districts sufficient time to improve student
23 performance in schools and the opportunity to present evidence
24 of assistance and interventions that the district school board
25 has implemented.

26 (2) The State Board of Education may recommend one or
27 more of the following actions to district school boards to
28 enable students in schools designated as performance grade
29 category "F" to be academically well served by the public
30 school system:

31 (a) Provide additional resources, change certain

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1 practices, and provide additional assistance if the state
2 board determines the causes of inadequate progress to be
3 related to school district policy or practice;
4 (b) Implement a plan that satisfactorily resolves the
5 education equity problems in the school;
6 (c) Contract for the educational services of the
7 school, or reorganize the school at the end of the school year
8 under a new school principal who is authorized to hire new
9 staff and implement a plan that addresses the causes of
10 inadequate progress;
11 (d) Allow parents of students in the school to send
12 their children to another district school of their choice; or
13 (e) Other action appropriate to improve the school's
14 performance.
15 (3) In recommending actions to district school boards,
16 the State Board of Education shall specify the length of time
17 available to implement the recommended action. The State
18 Board of Education may adopt rules to further specify how it
19 may respond in specific circumstances. No action taken by the
20 State Board of Education shall relieve a school from state
21 accountability requirements.
22 (4) The State Board of Education may require the
23 Department of Education or Comptroller to withhold any
24 transfer of state funds to the school district if, within the
25 timeframe specified in state board action, the school district
26 has failed to comply with the action ordered to improve the
27 district's low-performing schools. Withholding the transfer of
28 funds shall occur only after all other recommended actions for
29 school improvement have failed to improve performance. The
30 State Board of Education may impose the same penalty on any
31 district school board that fails to develop and implement a

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1 plan for assistance and intervention for low-performing
2 schools as specified in s. 1001.42(16)(c).

3 Section 378. Section 1008.34, Florida Statutes, is
4 created to read:

5 1008.34 School grading system; district performance
6 grade.--

7 (1) ANNUAL REPORTS.--The Commissioner of Education
8 shall prepare annual reports of the results of the statewide
9 assessment program which describe student achievement in the
10 state, each district, and each school. The commissioner shall
11 prescribe the design and content of these reports, which must
12 include, without limitation, descriptions of the performance
13 of all schools participating in the assessment program and all
14 of their major student populations as determined by the
15 Commissioner of Education, and must also include the median
16 scores of all eligible students who scored at or in the lowest
17 25th percentile of the state in the previous school year;
18 provided, however, that the provisions of s. 1002.22
19 pertaining to student records apply to this section.

20 (2) SCHOOL PERFORMANCE GRADE CATEGORIES.--The annual
21 report shall identify schools as being in one of the following
22 grade categories defined according to rules of the State Board
23 of Education:

24 (a) "A," schools making excellent progress.

25 (b) "B," schools making above average progress.

26 (c) "C," schools making satisfactory progress.

27 (d) "D," schools making less than satisfactory
28 progress.

29 (e) "F," schools failing to make adequate progress.

30
31 Each school designated in performance grade category "A,"

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1 making excellent progress, or having improved at least two
2 performance grade categories, shall have greater authority
3 over the allocation of the school's total budget generated
4 from the FEFP, state categoricals, lottery funds, grants, and
5 local funds, as specified in state board rule. The rule must
6 provide that the increased budget authority shall remain in
7 effect until the school's performance grade declines.

8 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE

9 CATEGORIES.--School performance grade category designations
10 itemized in subsection (2) shall be based on the following:

11 (a) Timeframes.--

12 1. School performance grade category designations
13 shall be based on the school's current year performance and
14 the school's annual learning gains.

15 2. A school's performance grade category designation
16 shall be based on a combination of student achievement scores,
17 student learning gains as measured by annual FCAT assessments
18 in grades 3 through 10, and improvement of the lowest 25th
19 percentile of students in the school in reading, math, or
20 writing on the FCAT, unless these students are performing
21 above satisfactory performance.

22 (b) Student assessment data.--Student assessment data
23 used in determining school performance grade categories shall
24 include:

25 1. The aggregate scores of all eligible students
26 enrolled in the school who have been assessed on the FCAT.

27 2. The aggregate scores of all eligible students
28 enrolled in the school who have been assessed on the FCAT,
29 including Florida Writes, and who have scored at or in the
30 lowest 25th percentile of students in the school in reading,
31 math, or writing, unless these students are performing above

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1 satisfactory performance.

2

3 The Department of Education shall study the effects of
4 mobility on the performance of highly mobile students and
5 recommend programs to improve the performance of such
6 students. The State Board of Education shall adopt appropriate
7 criteria for each school performance grade category. The
8 criteria must also give added weight to student achievement in
9 reading. Schools designated as performance grade category "C,"
10 making satisfactory progress, shall be required to demonstrate
11 that adequate progress has been made by students in the school
12 who are in the lowest 25th percentile in reading, math, or
13 writing on the FCAT, including Florida Writes, unless these
14 students are performing above satisfactory performance.

15 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report
16 shall identify each school's performance as having improved,
17 remained the same, or declined. This school improvement rating
18 shall be based on a comparison of the current year's and
19 previous year's student and school performance data. Schools
20 that improve at least one performance grade category are
21 eligible for school recognition awards pursuant to s. 1008.36.

22 (5) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT
23 RATING REPORTS.--School performance grade category
24 designations and improvement ratings shall apply to each
25 school's performance for the year in which performance is
26 measured. Each school's designation and rating shall be
27 published annually by the Department of Education and the
28 school district. Parents shall be entitled to an easy-to-read
29 report card about the designation and rating of the school in
30 which their child is enrolled.

31 (6) RULES.--The State Board of Education shall adopt

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1 rules pursuant to ss. 120.536(1) and 120.54 to implement the
2 provisions of this section.

3 (7) PERFORMANCE-BASED FUNDING.--The Legislature may
4 factor in the performance of schools in calculating any
5 performance-based funding policy that is provided for annually
6 in the General Appropriations Act.

7 (8) DISTRICT PERFORMANCE GRADE.--The annual report
8 required by subsection (1) shall include district performance
9 grades, which shall consist of weighted district average
10 grades, by level, for all elementary schools, middle schools,
11 and high schools in the district. A district's weighted
12 average grade shall be calculated by weighting individual
13 school grades determined pursuant to subsection (2) by school
14 enrollment.

15 Section 379. Section 1008.345, Florida Statutes, is
16 created to read:

17 1008.345 Implementation of state system of school
18 improvement and education accountability.--

19 (1) The Commissioner of Education is responsible for
20 implementing and maintaining a system of intensive school
21 improvement and stringent education accountability, which
22 shall include policies and programs to implement the
23 following:

24 (a) A system of data collection and analysis that will
25 improve information about the educational success of
26 individual students and schools, including schools operating
27 for the purpose of providing educational services to youth in
28 Department of Juvenile Justice programs. The information and
29 analyses must be capable of identifying educational programs
30 or activities in need of improvement, and reports prepared
31 pursuant to this paragraph shall be distributed to the

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1 appropriate district school boards prior to distribution to
2 the general public. This provision shall not preclude access
3 to public records as provided in chapter 119.

4 (b) A program of school improvement that will analyze
5 information to identify schools, including schools operating
6 for the purpose of providing educational services to youth in
7 Department of Juvenile Justice programs, educational programs,
8 or educational activities in need of improvement.

9 (c) A method of delivering services to assist school
10 districts and schools to improve, including schools operating
11 for the purpose of providing educational services to youth in
12 Department of Juvenile Justice programs.

13 (d) A method of coordinating with the state
14 educational goals and school improvement plans any other state
15 program that creates incentives for school improvement.

16 (2) The commissioner shall be held responsible for the
17 implementation and maintenance of the system of school
18 improvement and education accountability outlined in this
19 section. There shall be an annual determination of whether
20 adequate progress is being made toward implementing and
21 maintaining a system of school improvement and education
22 accountability.

23 (3) The annual feedback report shall be developed by
24 the Department of Education.

25 (4) The commissioner shall review each district school
26 board's feedback report and submit findings to the State Board
27 of Education. If adequate progress is not being made toward
28 implementing and maintaining a system of school improvement
29 and education accountability, the State Board of Education
30 shall direct the commissioner to prepare and implement a
31 corrective action plan. The commissioner and State Board of

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1 Education shall monitor the development and implementation of
2 the corrective action plan.

3 (5) The commissioner shall report to the Legislature
4 and recommend changes in state policy necessary to foster
5 school improvement and education accountability. Included in
6 the report shall be a list of the schools, including schools
7 operating for the purpose of providing educational services to
8 youth in Department of Juvenile Justice programs, for which
9 district school boards have developed assistance and
10 intervention plans and an analysis of the various strategies
11 used by the school boards. School reports shall be distributed
12 pursuant to this subsection and s. 1001.42(16)(e) and
13 according to rules adopted by the State Board of Education.

14 (6)(a) The Department of Education shall implement a
15 training program to develop among state and district educators
16 a cadre of facilitators of school improvement. These
17 facilitators shall assist schools and districts to conduct
18 needs assessments and develop and implement school improvement
19 plans to meet state goals.

20 (b) Upon request, the department shall provide
21 technical assistance and training to any school, including any
22 school operating for the purpose of providing educational
23 services to youth in Department of Juvenile Justice programs,
24 school advisory council, district, or district school board
25 for conducting needs assessments, developing and implementing
26 school improvement plans, developing and implementing
27 assistance and intervention plans, or implementing other
28 components of school improvement and accountability. Priority
29 for these services shall be given to schools designated as
30 performance grade category "D" or "F" and school districts in
31 rural and sparsely populated areas of the state.

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1 (c) Pursuant to s. 24.121(5)(d), the department shall
2 not release funds from the Educational Enhancement Trust Fund
3 to any district in which a school, including schools operating
4 for the purpose of providing educational services to youth in
5 Department of Juvenile Justice programs, does not have an
6 approved school improvement plan, pursuant to s. 1001.42(16),
7 after 1 full school year of planning and development, or does
8 not comply with school advisory council membership composition
9 requirements pursuant to s. 1001.452. The department shall
10 send a technical assistance team to each school without an
11 approved plan to develop such school improvement plan or to
12 each school without appropriate school advisory council
13 membership composition to develop a strategy for corrective
14 action. The department shall release the funds upon approval
15 of the plan or upon establishment of a plan of corrective
16 action. Notice shall be given to the public of the
17 department's intervention and shall identify each school
18 without a plan or without appropriate school advisory council
19 membership composition.

20 (d) The department shall assign a community assessment
21 team to each school district with a school designated as
22 performance grade category "D" or "F" to review the school
23 performance data and determine causes for the low performance.
24 The team shall make recommendations to the school board, to
25 the department, and to the State Board of Education for
26 implementing an assistance and intervention plan that will
27 address the causes of the school's low performance. The
28 assessment team shall include, but not be limited to, a
29 department representative, parents, business representatives,
30 educators, and community activists, and shall represent the
31 demographics of the community from which they are appointed.

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1 (7)(a) Schools designated in performance grade
2 category "A," making excellent progress, shall, if requested
3 by the school, be given deregulated status as specified in s.
4 1003.63(5), (7), (8), (9), and (10).

5 (b) Schools that have improved at least two
6 performance grade categories and that meet the criteria of the
7 Florida School Recognition Program pursuant to s. 1008.36 may
8 be given deregulated status as specified in s. 1003.63(5),
9 (7), (8), (9), and (10).

10 (8) As a part of the system of educational
11 accountability, the Department of Education shall:

12 (a) Develop minimum performance standards for various
13 grades and subject areas, as required in ss. 1001.03, 1008.22,
14 and 1008.34.

15 (b) Administer the statewide assessment testing
16 program created by s. 1008.22.

17 (c) Review the school advisory councils of each
18 district as required by s. 1001.452.

19 (d) Conduct the program evaluations required by s.
20 1001.03.

21 (e) Maintain a listing of college-level communication
22 and mathematics skills defined by the State Board of Education
23 as being associated with successful student performance
24 through the baccalaureate level and submit the same to the
25 State Board of Education for approval.

26 (f) Maintain a listing of tests and other assessment
27 procedures which measure and diagnose student achievement of
28 college-level communication and computation skills and submit
29 the same to the State Board of Education for approval.

30 (g) Maintain for the information of the State Board of
31 Education and the Legislature a file of data to reflect

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1 achievement of college-level communication and mathematics
2 competencies by students in state universities and community
3 colleges.

4 (h) Develop or contract for, and submit to the State
5 Board of Education for approval, tests which measure and
6 diagnose student achievement of college-level communication
7 and mathematics skills. Any tests and related documents
8 developed are exempt from the provisions of s. 119.07(1). The
9 commissioner shall maintain statewide responsibility for the
10 administration of such tests and may assign administrative
11 responsibilities for the tests to any state university or
12 community college. The state board, upon recommendation of
13 the commissioner, may enter into contracts for such services
14 beginning in one fiscal year and continuing into the next year
15 which are paid from the appropriation for either or both
16 fiscal years.

17 (i) Perform any other functions that may be involved
18 in educational planning, research, and evaluation or that may
19 be required by the commissioner, the State Board of Education,
20 or law.

21 Section 380. Section 1008.35, Florida Statutes, is
22 created to read:

23 1008.35 Best financial management practices for school
24 districts; standards; reviews; designation of school
25 districts.--

26 (1) The purpose of best financial management practices
27 reviews is to improve Florida school district management and
28 use of resources and to identify cost savings. The Office of
29 Program Policy Analysis and Government Accountability (OPPAGA)
30 and the Office of the Auditor General are directed to develop
31 a system for reviewing the financial management practices of

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1 school districts. In this system, the Auditor General shall
2 assist OPPAGA in examining district operations to determine
3 whether they meet "best financial management practices."
4 (2) The best financial management practices adopted by
5 the Commissioner of Education may be updated periodically
6 after consultation with the Legislature, the Governor, the
7 Department of Education, school districts, and the Auditor
8 General. OPPAGA shall submit to the Commissioner of Education
9 for review and adoption proposed revisions to the best
10 financial management practices adopted by the commissioner.
11 The best financial management practices, at a minimum, must
12 instill public confidence by addressing the school district's
13 use of resources, identifying ways that the district could
14 save funds, and improving districts' performance
15 accountability systems, including public accountability. To
16 achieve these objectives, best practices shall be developed
17 for, but need not be limited to, the following areas:
18 (a) Management structures.
19 (b) Performance accountability.
20 (c) Efficient delivery of educational services,
21 including instructional materials.
22 (d) Administrative and instructional technology.
23 (e) Personnel systems and benefits management.
24 (f) Facilities construction.
25 (g) Facilities maintenance.
26 (h) Student transportation.
27 (i) Food service operations.
28 (j) Cost control systems, including asset management,
29 risk management, financial management, purchasing, internal
30 auditing, and financial auditing.
31

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1 In areas for which the commissioner has not adopted best
2 practices, OPPAGA may develop additional best financial
3 management practices, with input from a broad range of
4 stakeholders. OPPAGA shall present any additional best
5 practices to the commissioner for review and adoption. Revised
6 best financial management practices adopted by the
7 commissioner must be used in the next year's scheduled school
8 district reviews conducted according to this section.

9 (3) OPPAGA shall contract with a private firm selected
10 through a formal request for proposal process to perform the
11 review, to the extent that funds are provided for this purpose
12 in the General Appropriations Act each year. When sufficient
13 funds are not provided to contract for all the scheduled best
14 financial management practices reviews, OPPAGA shall conduct
15 the remaining reviews scheduled for that year, except as
16 otherwise provided in this act. At least one member of the
17 private firm review team shall have expertise in school
18 district finance. The scope of the review shall focus on the
19 best practices adopted by the Commissioner of Education,
20 pursuant to subsection (2). OPPAGA may include additional
21 items in the scope of the review after seeking input from the
22 school district and the Department of Education.

23 (4) OPPAGA shall consult with the Commissioner of
24 Education throughout the best practices review process to
25 ensure that the technical expertise of the Department of
26 Education benefits the review process and supports the school
27 districts before, during, and after the review.

28 (5) It is the intent of the Legislature that each
29 school district shall be subject to a best financial
30 management practices review. The Legislature also intends that
31 all school districts shall be reviewed on a continuing 5-year

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1 cycle, as follows, unless specified otherwise in the General
2 Appropriations Act, or as provided in this section:

3 (a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa,
4 Alachua, St. Lucie, Santa Rosa, Hernando, Indian River,
5 Monroe, Osceola, and Bradford.

6 (b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia,
7 Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden,
8 and Franklin.

9 (c) Year 3: Palm Beach, Orange, Seminole, Lee,
10 Escambia, Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie,
11 Liberty, and Lafayette.

12 (d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay,
13 Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee,
14 Hardee, DeSoto, and Glades.

15 (e) Year 5: Broward, Polk, Brevard, Lake, St. Johns,
16 Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes,
17 Washington, and Calhoun.

18 (6)(a) The Joint Legislative Auditing Committee may
19 adjust the schedule of districts to be reviewed when
20 unforeseen circumstances prevent initiation of reviews
21 scheduled in a given year.

22 (b) Once the 5-year cycle has been completed, reviews
23 shall continue, beginning again with those districts included
24 in year one of the cycle unless a district has requested and
25 received a waiver as provided in subsection (17).

26 (7) At the direction of the Joint Legislative Auditing
27 Committee or the President of the Senate and the Speaker of
28 the House of Representatives, and subject to funding by the
29 Legislature, OPPAGA may conduct, or contract with a private
30 firm to conduct, up to two additional best financial
31 management practices reviews in districts not scheduled for

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1 review during that year if such review is necessary to address
2 adverse financial conditions.

3 (8) Reviews shall be conducted by OPPAGA and the
4 consultant to the extent specifically funded by the
5 Legislature in the General Appropriations Act for this
6 purpose. Such funds may be used for the cost of reviews by
7 OPPAGA and private consultants contracted by the director of
8 OPPAGA. Costs may include professional services, travel
9 expenses of OPPAGA and staff of the Auditor General, and any
10 other necessary expenses incurred as part of a best financial
11 management practices review.

12 (9) Districts scheduled for review must complete a
13 self-assessment instrument provided by OPPAGA which indicates
14 the school district's evaluation of its performance on each
15 best practice. The district must begin the self-assessment not
16 later than 60 days prior to the commencement of the review.
17 The completed self-assessment instrument and supporting
18 documentation must be submitted to OPPAGA not later than the
19 date of commencement of the review as notified by OPPAGA. The
20 best practice review team will use this self-assessment
21 information during their review of the district.

22 (10) During the review, OPPAGA and the consultant
23 conducting the review, if any, shall hold at least one
24 advertised public forum as part of the review in order to
25 explain the best financial management practices review process
26 and obtain input from students, parents, the business
27 community, and other district residents regarding their
28 concerns about the operations and management of the school
29 district.

30 (11) District reviews conducted under this section
31 must be completed within 6 months after commencement. OPPAGA

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1 shall issue a final report to the President of the Senate, the
2 Speaker of the House of Representatives, and the district
3 regarding the district's use of best financial management
4 practices and cost savings recommendations within 60 days
5 after completing the reviews. Copies of the final report shall
6 be provided to the Governor, the Commissioner of Education,
7 and to the chairs of school advisory councils and district
8 advisory councils established pursuant to s. 229.58(1)(a) and
9 (b). The district school board shall notify all members of
10 the school advisory councils and district advisory council by
11 mail that the final report has been delivered to the school
12 district and to the council chairs. The notification shall
13 also inform members of the OPPAGA website address at which an
14 electronic copy of the report is available.

15 (12) After receipt of the final report and before the
16 district school board votes whether to adopt the action plan,
17 or if no action plan was required because the district was
18 found to be using the best practices, the district school
19 board shall hold an advertised public forum to accept public
20 input and review the findings and recommendations of the
21 report. The district school board shall advertise and promote
22 this forum in a manner appropriate to inform school and
23 district advisory councils, parents, school district
24 employees, the business community, and other district
25 residents of the opportunity to attend this meeting. OPPAGA
26 and the consultant, if any, shall also be represented at this
27 forum.

28 (13)(a) If the district is found not to conform to
29 best financial management practices, the report must contain
30 an action plan detailing how the district could meet the best
31 practices within 2 years. The district school board must

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1 decide, by a majority plus one vote within 90 days after
2 receipt of the final report, whether or not to implement the
3 action plan and pursue a "Seal of Best Financial Management"
4 awarded by the State Board of Education to qualified school
5 districts. If a district fails to vote on the action plan
6 within 90 days, district school board members may be required
7 to appear and present testimony before a legislative
8 committee, pursuant to s. 11.143.

9 (b) The district school board may vote to reverse a
10 decision not to implement an action plan, provided that the
11 action plan is implemented and there is still sufficient time,
12 as determined by the district school board, to meet the best
13 practices within 2 years after issuance of the final report.

14 (c) Within 90 days after the receipt of the final
15 report, the district school board must notify OPPAGA and the
16 Commissioner of Education in writing of the date and outcome
17 of the district school board vote on whether to adopt the
18 action plan. If the district school board fails to vote on
19 whether to adopt the action plan, the district school
20 superintendent must notify OPPAGA and the Commissioner of
21 Education. The Department of Education may contact the school
22 district, assess the situation, urge the district school board
23 to vote, and offer technical assistance, if needed.

24 (14) If a district school board votes to implement the
25 action plan:

26 (a) No later than 1 year after receipt of the final
27 report, the district school board must submit an initial
28 status report to the President of the Senate, the Speaker of
29 the House of Representatives, the Governor, OPPAGA, the
30 Auditor General, the State Board of Education, and the
31 Commissioner of Education on progress made towards

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1 implementing the action plan and whether changes have occurred
2 in other areas of operation that would affect compliance with
3 the best practices.

4 (b) A second status report must be submitted by the
5 school district to the President of the Senate, the Speaker of
6 the House of Representatives, the Governor, OPPAGA, the
7 Auditor General, the Commissioner of Education, and the State
8 Board of Education no later than 1 year after submission of
9 the initial report.

10

11 Status reports are not required once OPPAGA concludes that the
12 district is using best practices.

13 (15) After receipt of each of a district's two status
14 reports required by subsection (14), OPPAGA shall assess the
15 district's implementation of the action plan and progress
16 toward implementing the best financial management practices in
17 areas covered by the plan. Following each assessment, OPPAGA
18 shall issue a report to the President of the Senate, the
19 Speaker of the House of Representatives, and the district
20 indicating whether the district has successfully implemented
21 the best financial management practices. Copies of the report
22 must be provided to the Governor, the Auditor General, the
23 Commissioner of Education, and the State Board of Education.
24 If a district has failed to implement an action plan adopted
25 pursuant to subsection (13), district school board members and
26 the district school superintendent may be required to appear
27 before a legislative committee, pursuant to s. 11.143, to
28 present testimony regarding the district's failure to
29 implement such action plan.

30 (16) District school boards that successfully
31 implement the best financial management practices within 2

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1 years, or are determined in the review to be using the best
2 practices, are eligible to receive a "Seal of Best Financial
3 Management." Upon notification to the Commissioner of
4 Education and the State Board of Education by OPPAGA that a
5 district has been found to be using the best financial
6 management practices, the State Board of Education shall award
7 that district a "Seal of Best Financial Management" certifying
8 that the district is adhering to the state's best financial
9 management practices. The State Board of Education designation
10 shall be effective for 5 years from the certification date or
11 until the next review is completed, whichever is later. During
12 the designation period, the district school board shall
13 annually, not later than the anniversary date of the
14 certification, notify OPPAGA, the Auditor General, the
15 Commissioner of Education, and the State Board of Education of
16 any changes in policies or operations or any other situations
17 that would not conform to the state's best financial
18 management practices. The State Board of Education may revoke
19 the designation of a district school board at any time if it
20 determines that a district is no longer complying with the
21 state's best financial management practices. If no such
22 changes have occurred and the district school board determines
23 that the school district continues to conform to the best
24 financial management practices, the district school board
25 shall annually report that information to the State Board of
26 Education, with copies to OPPAGA, the Auditor General, and the
27 Commissioner of Education.

28 (17)(a) A district school board that has been awarded
29 a "Seal of Best Financial Management" by the State Board of
30 Education and has annually reported to the State Board of
31 Education that the district is still conforming to the best

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1 financial management practices may request a waiver from
2 undergoing its next scheduled Best Financial Management
3 Practices review.

4 (b) To apply for such waiver, not later than September
5 1 of the fiscal year prior to the fiscal year in which the
6 district is next scheduled for review, the district school
7 board shall certify to OPPAGA and the Department of Education
8 the district school board's determination that the school
9 district is still conforming to the best financial management
10 practices.

11 (c) After consultation with the Department of
12 Education and review of the district school board's
13 determination, OPPAGA may recommend to the Legislative Budget
14 Commission that the district be granted a waiver for the next
15 scheduled Best Financial Management Practices review. If
16 approved for waiver, OPPAGA shall notify the school district
17 and the Department of Education that no review of that
18 district will be conducted during the next scheduled review
19 cycle. In that event, the district school board must continue
20 annual reporting to the State Board of Education as required
21 in subsection (16). District school boards granted a waiver
22 for one review cycle are not eligible for waiver of the next
23 scheduled review cycle.

24 (18) District school boards that receive a best
25 financial management practices review must maintain records
26 that will enable independent verification of the
27 implementation of the action plan and any related fiscal
28 impacts.

29 (19) Unrestricted cost savings resulting from
30 implementation of the best financial management practices must
31 be spent at the school and classroom levels for teacher

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1 salaries, teacher training, improved classroom facilities,
2 student supplies, textbooks, classroom technology, and other
3 direct student instruction activities. Cost savings identified
4 for a program that has restrictive expenditure requirements
5 shall be used for the enhancement of the specific program.

6 Section 381. Section 1008.36, Florida Statutes, is
7 created to read:

8 1008.36 Florida School Recognition Program.--

9 (1) The Legislature finds that there is a need for a
10 performance incentive program for outstanding faculty and
11 staff in highly productive schools. The Legislature further
12 finds that performance-based incentives are commonplace in the
13 private sector and should be infused into the public sector as
14 a reward for productivity.

15 (2) The Florida School Recognition Program is created
16 to provide financial awards to public schools that:

17 (a) Sustain high performance by receiving a school
18 grade of "A," making excellent progress; or

19 (b) Demonstrate exemplary improvement due to
20 innovation and effort by improving a letter grade.

21 (3) All public schools, including charter schools,
22 that receive a school grade pursuant to s. 1008.34 are
23 eligible to participate in the program.

24 (4) All selected schools shall receive financial
25 awards depending on the availability of funds appropriated and
26 the number and size of schools selected to receive an award.
27 Funds must be distributed to the school's fiscal agent and
28 placed in the school's account and must be used for purposes
29 listed in subsection (5) as determined jointly by the school's
30 staff and school advisory council. If school staff and the
31 school advisory council cannot reach agreement by November 1,

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1 the awards must be equally distributed to all classroom
2 teachers currently teaching in the school.

3 (5) School recognition awards must be used for the
4 following:

5 (a) Nonrecurring bonuses to the faculty and staff;

6 (b) Nonrecurring expenditures for educational
7 equipment or materials to assist in maintaining and improving
8 student performance; or

9 (c) Temporary personnel for the school to assist in
10 maintaining and improving student performance.

11
12 Notwithstanding statutory provisions to the contrary,
13 incentive awards are not subject to collective bargaining.

14 Section 382. Section 1008.37, Florida Statutes, is
15 created to read:

16 1008.37 Postsecondary feedback of information to high
17 schools.--

18 (1) The State Board of Education shall adopt rules
19 that require the Commissioner of Education to report to the
20 State Board of Education, the Legislature, and the district
21 school boards on the performance of each
22 first-time-in-postsecondary education student from each public
23 high school in this state who is enrolled in a public
24 postsecondary institution or public technical center. Such
25 reports must be based on information databases maintained by
26 the Department of Education. In addition, the public
27 postsecondary educational institutions and technical centers
28 shall provide district school boards access to information on
29 student performance in regular and preparatory courses and
30 shall indicate students referred for remediation pursuant to
31 s. 1008.30 or s. 1008.28.

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1 (2) The Commissioner of Education shall report, by
2 high school, to the State Board of Education and the
3 Legislature, no later than November 31 of each year, on the
4 number of prior year Florida high school graduates who
5 enrolled for the first time in public postsecondary education
6 in this state during the previous summer, fall, or spring
7 term, indicating the number of students whose scores on the
8 common placement test indicated the need for remediation
9 through college-preparatory or vocational-preparatory
10 instruction pursuant to s. 1004.91 or s. 1008.30.

11 (3) The Commissioner of Education shall organize
12 school summary reports and student-level records by school
13 district and high school in which the postsecondary education
14 students were enrolled and report the information to each
15 school district no later than January 31 of each year.

16 (4) As a part of the school improvement plan pursuant
17 to s. 1008.345, the State Board of Education shall ensure that
18 each school district and high school develops strategies to
19 improve student readiness for the public postsecondary level
20 based on annual analysis of the feedback report data.

21 (5) The Commissioner of Education shall annually
22 recommend to the Legislature statutory changes to reduce the
23 incidence of postsecondary remediation in mathematics,
24 reading, and writing for first-time-enrolled recent high
25 school graduates.

26 Section 383. Section 1008.38, Florida Statutes, is
27 created to read:

28 1008.38 Articulation accountability process.--The
29 State Board of Education shall develop articulation
30 accountability measures which assess the status of systemwide
31 articulation processes authorized under s. 1007.23. The State

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1 Board of Education shall establish an articulation
2 accountability process which at a minimum shall address:

3 (1) The impact of articulation processes on ensuring
4 educational continuity and the orderly and unobstructed
5 transition of students between public secondary and
6 postsecondary education systems and facilitating the
7 transition of students between the public and private sectors.

8 (2) The adequacy of preparation of public secondary
9 students to smoothly articulate to a public postsecondary
10 institution.

11 (3) The effectiveness of articulated acceleration
12 mechanisms available to secondary students.

13 (4) The smooth transfer of community college associate
14 in arts degree graduates to a state university.

15 (5) An examination of degree requirements that exceed
16 the parameters of 60 credit hours for an associate degree and
17 120 hours for a baccalaureate degree in public postsecondary
18 programs.

19 (6) The relationship between the College Level
20 Academic Skills Test Program and articulation to the upper
21 division in public postsecondary institutions.

22 Section 384. Section 1008.385, Florida Statutes, is
23 created to read:

24 1008.385 Educational planning and information
25 systems.--

26 (1) EDUCATIONAL PLANNING.--

27 (a) The Commissioner of Education is responsible for
28 all planning functions for the department, including
29 collection, analysis, and interpretation of all data,
30 information, test results, evaluations, and other indicators
31 that are used to formulate policy, identify areas of concern

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1 and need, and serve as the basis for short-range and
2 long-range planning. Such planning shall include assembling
3 data, conducting appropriate studies and surveys, and
4 sponsoring research and development activities designed to
5 provide information about educational needs and the effect of
6 alternative educational practices.

7 (b) Each district school board shall maintain a
8 continuing system of planning and budgeting designed to aid in
9 identifying and meeting the educational needs of students and
10 the public. Provision shall be made for coordination between
11 district school boards and community college boards of
12 trustees concerning the planning for career and technical
13 education and adult educational programs. The major emphasis
14 of the system shall be upon locally determined goals and
15 objectives, the state plan for education, and the Sunshine
16 State Standards developed by the Department of Education and
17 adopted by the State Board of Education. The district
18 planning and budgeting system must include consideration of
19 student achievement data obtained pursuant to ss. 1008.22 and
20 1008.34. The system shall be structured to meet the specific
21 management needs of the district and to align the budget
22 adopted by the district school board with the plan the board
23 has also adopted. Each district school board shall utilize its
24 system of planning and budgeting to emphasize a system of
25 school-based management in which individual school centers
26 become the principal planning units and to integrate planning
27 and budgeting at the school level.

28 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The
29 Commissioner of Education shall develop and implement an
30 integrated information system for educational management. The
31 system must be designed to collect, via electronic transfer,

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1 all student and school performance data required to ascertain
2 the degree to which schools and school districts are meeting
3 state performance standards, and must be capable of producing
4 data for a comprehensive annual report on school and district
5 performance. In addition, the system shall support, as
6 feasible, the management decisions to be made in each division
7 of the department and at the individual school and district
8 levels. Similar data elements among divisions and levels
9 shall be compatible. The system shall be based on an overall
10 conceptual design; the information needed for such decisions,
11 including fiscal, student, program, personnel, facility,
12 community, evaluation, and other relevant data; and the
13 relationship between cost and effectiveness. The system shall
14 be managed and administered by the commissioner and shall
15 include a district subsystem component to be administered at
16 the district level, with input from the reports-and-forms
17 control management committees. Each district school system
18 with a unique management information system shall assure that
19 compatibility exists between its unique system and the
20 district component of the state system so that all data
21 required as input to the state system is made available via
22 electronic transfer and in the appropriate input format.

23 (a) The specific responsibilities of the commissioner
24 shall include:

25 1. Consulting with school district representatives in
26 the development of the system design model and implementation
27 plans for the management information system for public school
28 education management;

29 2. Providing operational definitions for the proposed
30 system;

31 3. Determining the information and specific data

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1 elements required for the management decisions made at each
2 educational level, recognizing that the primary unit for
3 information input is the individual school and recognizing
4 that time and effort of instructional personnel expended in
5 collection and compilation of data should be minimized;
6 4. Developing standardized terminology and procedures
7 to be followed at all levels of the system;
8 5. Developing a standard transmittal format to be used
9 for collection of data from the various levels of the system;
10 6. Developing appropriate computer programs to assure
11 integration of the various information components dealing with
12 students, personnel, facilities, fiscal, program, community,
13 and evaluation data;
14 7. Developing the necessary programs to provide
15 statistical analysis of the integrated data provided in
16 subparagraph 6. in such a way that required reports may be
17 disseminated, comparisons may be made, and relationships may
18 be determined in order to provide the necessary information
19 for making management decisions at all levels;
20 8. Developing output report formats which will provide
21 district school systems with information for making management
22 decisions at the various educational levels;
23 9. Developing a phased plan for distributing computer
24 services equitably among all public schools and school
25 districts in the state as rapidly as possible. The plan shall
26 describe alternatives available to the state in providing such
27 computing services and shall contain estimates of the cost of
28 each alternative, together with a recommendation for action.
29 In developing the plan, the feasibility of shared use of
30 computing hardware and software by school districts, community
31 colleges, and universities shall be examined. Laws or

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1 administrative rules regulating procurement of data processing
2 equipment, communication services, or data processing services
3 by state agencies shall not be construed to apply to local
4 agencies which share computing facilities with state agencies;

5 10. Assisting the district school systems in
6 establishing their subsystem components and assuring
7 compatibility with current district systems;

8 11. Establishing procedures for continuous evaluation
9 of system efficiency and effectiveness;

10 12. Initiating a reports-management and
11 forms-management system to ascertain that duplication in
12 collection of data does not exist and that forms and reports
13 for reporting under state and federal requirements and other
14 forms and reports are prepared in a logical and uncomplicated
15 format, resulting in a reduction in the number and complexity
16 of required reports, particularly at the school level; and

17 13. Initiating such other actions as are necessary to
18 carry out the intent of the Legislature that a management
19 information system for public school management needs be
20 implemented. Such other actions shall be based on criteria
21 including, but not limited to:

22 a. The purpose of the reporting requirement;
23 b. The origination of the reporting requirement;
24 c. The date of origin of the reporting requirement;

25 and

26 d. The date of repeal of the reporting requirement.

27 (b) The specific responsibilities of each district
28 school system shall include:

29 1. Establishing, at the district level, a
30 reports-control and forms-control management system committee
31 composed of school administrators and classroom teachers. The

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- 1 district school board shall appoint school administrator
2 members and classroom teacher members or, in school districts
3 where appropriate, the classroom teacher members shall be
4 appointed by the bargaining agent. Teachers shall constitute a
5 majority of the committee membership. The committee shall
6 periodically recommend procedures to the district school board
7 for eliminating, reducing, revising, and consolidating
8 paperwork and data collection requirements and shall submit to
9 the district school board an annual report of its findings.
- 10 2. With assistance from the commissioner, developing
11 systems compatibility between the state management information
12 system and unique local systems.
- 13 3. Providing, with the assistance of the department,
14 inservice training dealing with management information system
15 purposes and scope, a method of transmitting input data, and
16 the use of output report information.
- 17 4. Establishing a plan for continuous review and
18 evaluation of local management information system needs and
19 procedures.
- 20 5. Advising the commissioner of all district
21 management information needs.
- 22 6. Transmitting required data input elements to the
23 appropriate processing locations in accordance with guidelines
24 established by the commissioner.
- 25 7. Determining required reports, comparisons, and
26 relationships to be provided to district school systems by the
27 system output reports, continuously reviewing these reports
28 for usefulness and meaningfulness, and submitting recommended
29 additions, deletions, and change requirements in accordance
30 with the guidelines established by the commissioner.
- 31 8. Being responsible for the accuracy of all data

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1 elements transmitted to the department.

2 (c) It is the intent of the Legislature that the
3 expertise in the state system of public education, as well as
4 contracted services, be utilized to hasten the plan for full
5 implementation of a comprehensive management information
6 system.

7 (3) RULES.--The State Board of Education shall adopt
8 rules to administer this section.

9 Section 385. Section 1008.386, Florida Statutes, is
10 created to read:

11 1008.386 Social security numbers used as student
12 identification numbers.--Each district school board shall
13 request that each student enrolled in a public school in this
14 state provide his or her social security number. Each school
15 district shall use social security numbers as student
16 identification numbers in the management information system
17 maintained by the school district. However, a student is not
18 required to provide his or her social security number as a
19 condition for enrollment or graduation. A student satisfies
20 this requirement by presenting to school enrollment officials
21 his or her social security card or a copy of the card. The
22 school district shall include the social security number in
23 the student's permanent records and shall indicate if the
24 student identification number is not a social security number.
25 The Commissioner of Education shall provide assistance to
26 school districts to assure that the assignment of student
27 identification numbers other than social security numbers is
28 kept to a minimum and to avoid duplication of any student
29 identification number.

30 Section 386. Section 1008.39, Florida Statutes, is
31 created to read:

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1 1008.39 Florida Education and Training Placement
2 Information Program.--

3 (1) The Department of Education shall develop and
4 maintain a continuing program of information management named
5 the "Florida Education and Training Placement Information
6 Program," the purpose of which is to compile, maintain, and
7 disseminate information concerning the educational histories,
8 placement and employment, enlistments in the United States
9 armed services, and other measures of success of former
10 participants in state educational and workforce development
11 programs. Placement and employment information shall contain
12 data appropriate to calculate job retention and job retention
13 rates.

14 (2) Any project conducted by the Department of
15 Education or the workforce development system that requires
16 placement information shall use information provided through
17 the Florida Education and Training Placement Information
18 Program, and shall not initiate automated matching of records
19 in duplication of methods already in place in the Florida
20 Education and Training Placement Information Program. The
21 department shall implement an automated system which matches
22 the social security numbers of former participants in state
23 educational and training programs with information in the
24 files of state and federal agencies that maintain educational,
25 employment, and United States armed service records and shall
26 implement procedures to identify the occupations of those
27 former participants whose social security numbers are found in
28 employment records, as required by Specific Appropriation
29 337A, chapter 84-220, Laws of Florida; Specific Appropriation
30 337B, chapter 85-119, Laws of Florida; Specific Appropriation
31 350A, chapter 86-167, Laws of Florida; and Specific

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1 Appropriation 351, chapter 87-98, Laws of Florida.

2 (3) The Florida Education and Training Placement
3 Information Program must not make public any information that
4 could identify an individual or the individual's employer. The
5 Department of Education must ensure that the purpose of
6 obtaining placement information is to evaluate and improve
7 public programs or to conduct research for the purpose of
8 improving services to the individuals whose social security
9 numbers are used to identify their placement. If an agreement
10 assures that this purpose will be served and that privacy will
11 be protected, the Department of Education shall have access to
12 the unemployment insurance wage reports maintained by the
13 Agency for Workforce Innovation, the files of the Department
14 of Children and Family Services that contain information about
15 the distribution of public assistance, the files of the
16 Department of Corrections that contain records of
17 incarcerations, and the files of the Department of Business
18 and Professional Regulation that contain the results of
19 licensure examination.

20 (4) The Florida Education and Training Placement
21 Information Program may perform longitudinal analyses for all
22 levels of education and workforce development. These analyses
23 must include employment stability, annual earnings, and
24 relatedness of employment to education.

25 Section 387. Section 1008.40, Florida Statutes, is
26 created to read:

27 1008.40 Workforce Development Information System.--The
28 Department of Education shall:

29 (1) Design specifications for the collection and
30 reporting of data and performance specifications for the
31 Workforce Development Information System. This design must

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1 enable parallel reporting and state-level access of workforce
2 data necessary to use the data reports as a basis for
3 calculating funding allocations. In addition, the design must
4 be capable of providing reports necessary to comply with other
5 program performance documentation required by state or federal
6 law, without requiring additional data collection or reporting
7 from local educational agencies.

8 (2) Develop the computer programs, software, and edit
9 processes necessary for local and state users to produce a
10 single, unified Workforce Development Information System.

11 Section 388. Section 1008.405, Florida Statutes, is
12 created to read:

13 1008.405 Adult student information.--Each school
14 district and community college shall maintain sufficient
15 information for each student enrolled in workforce development
16 education to allow local and state administrators to locate
17 such student upon the termination of instruction and to
18 determine the appropriateness of student placement in specific
19 instructional programs. The State Board of Education shall
20 adopt, in rule, specific information that must be maintained
21 and acceptable means of maintaining that information.

22 Section 389. Section 1008.41, Florida Statutes, is
23 created to read:

24 1008.41 Workforce Development Education; management
25 information system.--

26 (1) The Commissioner of Education shall coordinate
27 uniform program structures, common definitions, and uniform
28 management information systems for workforce development
29 education for all divisions within the department. In
30 performing these functions, the commissioner shall designate
31 deadlines after which data elements may not be changed for the

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1 coming fiscal or school year. School districts and community
2 colleges shall be notified of data element changes at least 90
3 days prior to the start of the subsequent fiscal or school
4 year. Such systems must provide for:

5 (a) Individual student reporting.

6 (b) Compliance with state and federal confidentiality
7 requirements, except that the department shall have access to
8 the unemployment insurance wage reports to collect and report
9 placement information about former students. Such placement
10 reports must not disclose the individual identities of former
11 students.

12 (c) Maximum use of automated technology and records in
13 existing data bases and data systems. To the extent feasible,
14 the Florida Information Resource Network shall be employed for
15 this purpose.

16 (d) Annual reports of student enrollment, completion,
17 and placement by program.

18 (2) The State Board of Education shall identify, by
19 rule, the components to be included in the workforce
20 development education management information system. All such
21 components shall be comparable between school districts and
22 community colleges.

23 (3) Planning and evaluation of job-preparatory
24 programs shall be based on standard sources of data and use
25 standard occupational definitions and coding structures,
26 including, but not limited to:

27 (a) The Florida Occupational Information System;

28 (b) The Florida Education and Training Placement
29 Information Program;

30 (c) The Agency for Workforce Innovation;

31 (d) The United States Department of Labor; and

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1 (e) Other sources of data developed using
2 statistically valid procedures.

3 Section 390. Section 1008.42, Florida Statutes, is
4 created to read:

5 1008.42 Public information on career and technical
6 education programs.--

7 (1) The Department of Education shall disseminate
8 information derived from the reports required by s. 1008.43.
9 The department shall ensure that the information disseminated
10 does not name or otherwise identify a student, a former
11 student, or the student's employer.

12 (2) The dissemination shall be conducted in accordance
13 with the following procedures:

14 (a) Annually, the Department of Education shall
15 publish the placement rates and average quarterly earnings for
16 students who complete each type of technical certificate
17 program and technical degree program. This information must be
18 aggregated to the state level and must be included in any
19 accountability reports. A program that was created or modified
20 so that placement rates cannot be calculated must be so
21 identified in such reports.

22 (b)1. Each district school board shall publish, at a
23 minimum, the most recently available placement rate for each
24 technical certificate program conducted by that school
25 district at the secondary school level and at the technical
26 degree level. The placement rates for the preceding 3 years
27 shall be published if available, shall be included in each
28 publication that informs the public of the availability of the
29 program, and shall be made available to each school guidance
30 counselor. If a program does not have a placement rate, a
31 publication that lists or describes that program must state

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1 that the rate is unavailable.

2 2. Each community college shall publish, at a minimum,
3 the most recent placement rate for each technical certificate
4 program and for each technical degree program in its annual
5 catalog. The placement rates for the preceding 3 years shall
6 be published, if available, and shall be included in any
7 publication that informs the public of the availability of the
8 program. If a program does not have a placement rate, the
9 publication that lists or describes that program must state
10 that the rate is unavailable.

11 3. If a school district or a community college has
12 calculated for a program a placement rate that differs from
13 the rate reported by the department, and if each record of a
14 placement was obtained through a process that was capable of
15 being audited, procedurally sound, and consistent statewide,
16 the district or the community college may use the locally
17 calculated placement rate in the report required by this
18 section. However, that rate may not be combined with the rate
19 maintained in the computer files of the Department of
20 Education's Florida Education and Training Placement
21 Information Program.

22 4. An independent career and technical, trade, or
23 business school may not publish a placement rate unless the
24 placement rate was determined as provided by this section.

25 Section 391. Section 1008.43, Florida Statutes, is
26 created to read:

27 1008.43 Career and technical program reporting
28 requirements.--

29 (1)(a) The Department of Education shall develop a
30 system of performance measures in order to evaluate the career
31 and technical education programs as required in s. 1008.42.

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1 This system must measure program enrollment, completion rates,
2 placement rates, and amount of earnings at the time of
3 placement. Placement and employment information, where
4 applicable, shall contain data relevant to job retention,
5 including retention rates. The State Board of Education shall
6 adopt by rule the specific measures and any definitions needed
7 to establish the system of performance measures.

8 (b) To measure and report program enrollment and
9 completion rates, the Department of Education shall use data
10 in the automated student databases generated by the public
11 schools and community colleges. To measure and report
12 placement rates and amount of earnings at the time of
13 placement, the department shall use data in the reports
14 produced by the Florida Education and Training Placement
15 Information Program as required in s. 1008.39. If any
16 placement information is not available from the Florida
17 Education and Training Placement Information Program, the
18 school district or the community college may provide placement
19 information collected by the school district or the community
20 college. However, this supplemental information must be
21 verifiable by the department and must not be commingled with
22 the database maintained by the Florida Education and Training
23 Placement Information Program. The State Board of Education
24 shall specify by rule the statistically valid, verifiable,
25 uniform procedures by which school districts and community
26 colleges may collect and report placement information to
27 supplement the reports from the Florida Education and Training
28 Placement Information Program.

29 (c) The State Board of Education shall adopt standards
30 for the department, district school boards, and community
31 college district boards of trustees to use in program

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1 planning, program review, and program evaluation. The
2 standards must include, at a minimum, the completion rates,
3 placement rates, and earnings from employment of former
4 students of career and technical education programs.

5 (2) The State Board of Education shall adopt
6 procedures for reviewing the career and technical education
7 programs administered by the district school boards and the
8 community college district boards of trustees when program
9 performance falls below the standards required by this
10 section.

11 (3) Annually the department shall compile the reports
12 submitted in compliance with the rules adopted under this
13 section and shall produce a statewide report that addresses
14 the extent to which school districts and community colleges
15 are meeting the standards established under paragraph (1)(c).

16 (4) The State Board of Education may adopt rules
17 necessary to administer this section.

18 Section 392. Section 1008.45, Florida Statutes, is
19 created to read:

20 1008.45 Community college accountability process.--

21 (1) It is the intent of the Legislature that a
22 management and accountability process be implemented which
23 provides for the systematic, ongoing improvement and
24 assessment of the improvement of the quality and efficiency of
25 the Florida community colleges. Accordingly, the State Board
26 of Education and the community college boards of trustees
27 shall develop and implement an accountability plan to improve
28 and evaluate the instructional and administrative efficiency
29 and effectiveness of the Florida Community College System.
30 This plan shall be designed in consultation with staff of the
31 Governor and the Legislature and must address the following

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1 issues:

2 (a) Graduation rates of A.A. and A.S. degree-seeking
3 students compared to first-time-enrolled students seeking the
4 associate degree.

5 (b) Minority student enrollment and retention rates.

6 (c) Student performance, including student performance
7 in college-level academic skills, mean grade point averages
8 for community college A.A. transfer students, and community
9 college student performance on state licensure examinations.

10 (d) Job placement rates of community college career
11 and technical students.

12 (e) Student progression by admission status and
13 program.

14 (f) Career and technical accountability standards
15 identified in s. 1008.42.

16 (g) Institutional assessment efforts related to the
17 requirements of s. III in the Criteria for Accreditation of
18 the Commission on Colleges of the Southern Association of
19 Colleges and Schools.

20 (h) Other measures as identified by the Council for
21 Education Policy Research and Improvement and approved by the
22 State Board of Education.

23 (2) The State Board of Education shall submit an
24 annual report, to coincide with the submission of the agency
25 strategic plan required by law, providing the results of
26 initiatives taken during the prior year and the initiatives
27 and related objective performance measures proposed for the
28 next year.

29 (3) The State Board of Education shall address within
30 the annual evaluation of the performance of the executive
31 director, and the community college boards of trustees shall

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1 address within the annual evaluation of the presidents, the
2 achievement of the performance goals established by the
3 accountability process.

4 Section 393. Section 1008.46, Florida Statutes, is
5 created to read:

6 1008.46 State university accountability process.--It
7 is the intent of the Legislature that an accountability
8 process be implemented that provides for the systematic,
9 ongoing evaluation of quality and effectiveness of state
10 universities. It is further the intent of the Legislature that
11 this accountability process monitor performance at the system
12 level in each of the major areas of instruction, research, and
13 public service, while recognizing the differing missions of
14 each of the state universities. The accountability process
15 shall provide for the adoption of systemwide performance
16 standards and performance goals for each standard identified
17 through a collaborative effort involving state universities,
18 the Legislature, and the Governor's Office. These standards
19 and goals shall be consistent with s. 216.011(1) to maintain
20 congruity with the performance-based budgeting process. This
21 process requires that university accountability reports
22 reflect measures defined through performance-based budgeting.
23 The performance-based budgeting measures must also reflect the
24 elements of teaching, research, and service inherent in the
25 missions of the state universities.

26 (1) By December 31 of each year, the State Board of
27 Education shall submit an annual accountability report
28 providing information on the implementation of performance
29 standards, actions taken to improve university achievement of
30 performance goals, the achievement of performance goals during
31 the prior year, and initiatives to be undertaken during the

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1 next year. The accountability reports shall be designed in
2 consultation with the Governor's Office, the Office of Program
3 Policy Analysis and Government Accountability, and the
4 Legislature.

5 (2) The State Board of Education shall recommend in
6 the annual accountability report any appropriate modifications
7 to this section.

8 Section 394. Part III of chapter 1008, Florida
9 Statutes, shall be entitled "Council for Education Policy
10 Research and Improvement (CEPRI)" and shall consist of s.
11 1008.51.

12 Section 395. Section 1008.51, Florida Statutes, is
13 created to read:

14 1008.51 Council for Education Policy Research and
15 Improvement.--The Council for Education Policy Research and
16 Improvement is created as an independent office under the
17 Office of Legislative Services, pursuant to s. 11.147. The
18 council shall conduct and review education research, provide
19 independent analysis on education progress, and provide
20 independent evaluation of education issues of statewide
21 concern. The Office of Legislative Services shall provide
22 administrative functions of the council, pursuant to joint
23 policies of the Legislature.

24 (1) The council shall serve as a citizen board for
25 independent policy research and analysis. The council shall be
26 composed of five members appointed by the Governor, two
27 members appointed by the Speaker of the House of
28 Representatives, and two members appointed by the President of
29 the Senate. Each member shall be appointed for a term of 6
30 years. However, for purposes of continuity, the Governor shall
31 appoint two members, the Speaker of the House of

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1 Representatives shall appoint one member, and the President of
2 the Senate shall appoint one member for a first term of 4
3 years. Members appointed for 4 years may be reappointed to one
4 additional term. Members shall not include elected officials
5 or employees of public or independent education entities.
6 Members who miss two consecutive meetings may be replaced by
7 the appointing officer.

8 (2) The council shall meet as often as it considers
9 necessary to carry out its duties and responsibilities.
10 Members shall be paid travel and per diem expenses as provided
11 in s. 112.061 while performing their duties under this
12 section.

13 (3) The council shall appoint an executive director,
14 who shall serve at the pleasure of the council and shall
15 perform the duties assigned to him or her by the council. The
16 executive director is the chief administrative officer of the
17 council and shall appoint all employees and staff members of
18 the council, who shall serve under the executive director's
19 direction and control.

20 (4) The council shall:

21 (a) Provide state policymakers, educators, and the
22 public with objective and timely information that supports the
23 seamless K-20 education system and the K-20 education
24 accountability process designed to provide all students an
25 opportunity for a high-quality education, in accordance with
26 the policies and guiding principles of s. 1000.02 and the
27 performance accountability system in s. 1008.31.

28 (b) Explore national and state emerging educational
29 issues and examine how these issues should be addressed by
30 education institutions in Florida.

31 (c) Prepare and submit to the State Board of Education

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1 a long-range master plan for education. The plan must include
2 consideration of the promotion of quality, fundamental
3 educational goals, programmatic access, needs for remedial
4 education, regional and state economic development,
5 international education programs, demographic patterns,
6 student demand for programs, needs of particular subgroups of
7 the population, implementation of innovative educational
8 techniques and technology, and requirements of the labor
9 market. The plan must evaluate the capacity of existing
10 programs in public and independent institutions to respond to
11 identified needs, and the council shall recommend efficient
12 alternatives to address unmet needs. The council shall update
13 the master plan at least every 5 years.

14 (d) Prepare and submit for approval by the State Board
15 of Education a long-range performance plan for K-20 education
16 in Florida, and annually review and recommend improvement in
17 the implementation of the plan.

18 (e) Annually report on the progress of public schools
19 and postsecondary education institutions toward meeting
20 educational goals and standards as defined by s. 1008.31.

21 (f) Recommend to the Legislature and the State Board
22 of Education legislation and rules for the educational
23 accountability system that support the policies and guiding
24 principles of s. 1000.02.

25 (g) Recommend to the State Board of Education
26 revisions and new initiatives to further improve the K-20
27 education accountability system.

28 (h) Provide public education institutions and the
29 public with information on the K-20 education accountability
30 system, recommend refinements and improvements, and evaluate
31 issues pertaining to student learning gains.

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1 (i) On its own initiative or in response to the
2 Governor, the Legislature, the State Board of Education, or
3 the Commissioner of Education, issue reports and
4 recommendations on matters relating to any education sector.

5 (j) By January 1, 2003, and on a 3-year cycle
6 thereafter, review and make recommendations to the Legislature
7 regarding the activities of research centers and institutes
8 supported with state funds to assess the return on the state's
9 investment in research conducted by public postsecondary
10 education institutions, in coordination with the Leadership
11 Board for Applied Research and Public Service, created
12 pursuant to s. 1004.58.

13 (k) Apply for and receive grants for the study of K-20
14 education system improvement consistent with its
15 responsibilities.

16 (l) Assist the State Board of Education in the conduct
17 of its educational responsibilities in such capacities as the
18 board considers appropriate.

19 Section 396. Chapter 1009, Florida Statutes, shall be
20 entitled "Educational Scholarships, Fees, and Financial
21 Assistance" and shall consist of ss. 1009.01-1009.9994.

22 Section 397. Part I of chapter 1009, Florida Statutes,
23 shall be entitled "General Provisions" and shall consist of s.
24 1009.01.

25 Section 398. Section 1009.01, Florida Statutes, is
26 created to read:

27 1009.01 Definitions.--The term:

28 (1) "Tuition" means the basic fee charged to a student
29 for instruction provided by a public postsecondary educational
30 institution in this state. A charge for any other purpose
31 shall not be included within this fee.

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1 (2) "Out-of-state fee" means the additional fee for
2 instruction provided by a public postsecondary educational
3 institution in this state, which fee is charged to a
4 non-Florida student as defined in rules of the State Board of
5 Education. A charge for any other purpose shall not be
6 included within this fee.

7 Section 399. Part II of chapter 1009, Florida
8 Statutes, shall be entitled "Postsecondary Student Fees" and
9 shall consist of ss. 1009.21-1009.29.

10 Section 400. Section 1009.21, Florida Statutes, is
11 created to read:

12 1009.21 Determination of resident status for tuition
13 purposes.--Students shall be classified as residents or
14 nonresidents for the purpose of assessing tuition in community
15 colleges and state universities.

16 (1) As used in this section:

17 (a) The term "dependent child" means any person,
18 whether or not living with his or her parent, who is eligible
19 to be claimed by his or her parent as a dependent under the
20 federal income tax code.

21 (b) The term "institution of higher education" means
22 any public community college or state university.

23 (c) A "legal resident" or "resident" is a person who
24 has maintained his or her residence in this state for the
25 preceding year, has purchased a home which is occupied by him
26 or her as his or her residence, or has established a domicile
27 in this state pursuant to s. 222.17.

28 (d) The term "parent" means the natural or adoptive
29 parent or legal guardian of a dependent child.

30 (e) A "resident for tuition purposes" is a person who
31 qualifies as provided in subsection (2) for the in-state

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1 tuition rate; a "nonresident for tuition purposes" is a person
2 who does not qualify for the in-state tuition rate.

3 (2)(a) To qualify as a resident for tuition purposes:

4 1. A person or, if that person is a dependent child,
5 his or her parent or parents must have established legal
6 residence in this state and must have maintained legal
7 residence in this state for at least 12 months immediately
8 prior to his or her qualification.

9 2. Every applicant for admission to an institution of
10 higher education shall be required to make a statement as to
11 his or her length of residence in the state and, further,
12 shall establish that his or her presence or, if the applicant
13 is a dependent child, the presence of his or her parent or
14 parents in the state currently is, and during the requisite
15 12-month qualifying period was, for the purpose of maintaining
16 a bona fide domicile, rather than for the purpose of
17 maintaining a mere temporary residence or abode incident to
18 enrollment in an institution of higher education.

19 (b) However, with respect to a dependent child living
20 with an adult relative other than the child's parent, such
21 child may qualify as a resident for tuition purposes if the
22 adult relative is a legal resident who has maintained legal
23 residence in this state for at least 12 months immediately
24 prior to the child's qualification, provided the child has
25 resided continuously with such relative for the 5 years
26 immediately prior to the child's qualification, during which
27 time the adult relative has exercised day-to-day care,
28 supervision, and control of the child.

29 (c) The legal residence of a dependent child whose
30 parents are divorced, separated, or otherwise living apart
31 will be deemed to be this state if either parent is a legal

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1 resident of this state, regardless of which parent is entitled
2 to claim, and does in fact claim, the minor as a dependent
3 pursuant to federal individual income tax provisions.

4 (3) An individual shall not be classified as a
5 resident for tuition purposes and, thus, shall not be eligible
6 to receive the in-state tuition rate until he or she has
7 provided such evidence related to legal residence and its
8 duration as may be required by officials of the institution of
9 higher education from which he or she seeks the in-state
10 tuition rate.

11 (4) With respect to a dependent child, the legal
12 residence of such individual's parent or parents is prima
13 facie evidence of the individual's legal residence, which
14 evidence may be reinforced or rebutted, relative to the age
15 and general circumstances of the individual, by the other
16 evidence of legal residence required of or presented by the
17 individual. However, the legal residence of an individual
18 whose parent or parents are domiciled outside this state is
19 not prima facie evidence of the individual's legal residence
20 if that individual has lived in this state for 5 consecutive
21 years prior to enrolling or reregistering at the institution
22 of higher education at which resident status for tuition
23 purposes is sought.

24 (5) In making a domiciliary determination related to
25 the classification of a person as a resident or nonresident
26 for tuition purposes, the domicile of a married person,
27 irrespective of sex, shall be determined, as in the case of an
28 unmarried person, by reference to all relevant evidence of
29 domiciliary intent. For the purposes of this section:

30 (a) A person shall not be precluded from establishing
31 or maintaining legal residence in this state and subsequently

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1 qualifying or continuing to qualify as a resident for tuition
2 purposes solely by reason of marriage to a person domiciled
3 outside this state, even when that person's spouse continues
4 to be domiciled outside of this state, provided such person
5 maintains his or her legal residence in this state.

6 (b) A person shall not be deemed to have established
7 or maintained a legal residence in this state and subsequently
8 to have qualified or continued to qualify as a resident for
9 tuition purposes solely by reason of marriage to a person
10 domiciled in this state.

11 (c) In determining the domicile of a married person,
12 irrespective of sex, the fact of the marriage and the place of
13 domicile of such person's spouse shall be deemed relevant
14 evidence to be considered in ascertaining domiciliary intent.

15 (6) Any nonresident person, irrespective of sex, who
16 marries a legal resident of this state or marries a person who
17 later becomes a legal resident may, upon becoming a legal
18 resident of this state, accede to the benefit of the spouse's
19 immediately precedent duration as a legal resident for
20 purposes of satisfying the 12-month durational requirement of
21 this section.

22 (7) A person shall not lose his or her resident status
23 for tuition purposes solely by reason of serving, or, if such
24 person is a dependent child, by reason of his or her parent's
25 or parents' serving, in the Armed Forces outside this state.

26 (8) A person who has been properly classified as a
27 resident for tuition purposes but who, while enrolled in an
28 institution of higher education in this state, loses his or
29 her resident tuition status because the person or, if he or
30 she is a dependent child, the person's parent or parents
31 establish domicile or legal residence elsewhere shall continue

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1 to enjoy the in-state tuition rate for a statutory grace
2 period, which period shall be measured from the date on which
3 the circumstances arose that culminated in the loss of
4 resident tuition status and shall continue for 12 months.
5 However, if the 12-month grace period ends during a semester
6 or academic term for which such former resident is enrolled,
7 such grace period shall be extended to the end of that
8 semester or academic term.

9 (9) Any person who ceases to be enrolled at or who
10 graduates from an institution of higher education while
11 classified as a resident for tuition purposes and who
12 subsequently abandons his or her domicile in this state shall
13 be permitted to reenroll at an institution of higher education
14 in this state as a resident for tuition purposes without the
15 necessity of meeting the 12-month durational requirement of
16 this section if that person has reestablished his or her
17 domicile in this state within 12 months of such abandonment
18 and continuously maintains the reestablished domicile during
19 the period of enrollment. The benefit of this subsection shall
20 not be accorded more than once to any one person.

21 (10) The following persons shall be classified as
22 residents for tuition purposes:

23 (a) Active duty members of the Armed Services of the
24 United States residing or stationed in this state, their
25 spouses, and dependent children.

26 (b) Active duty members of the Armed Services of the
27 United States and their spouses attending a public community
28 college or state university within 50 miles of the military
29 establishment where they are stationed, if such military
30 establishment is within a county contiguous to Florida.

31 (c) United States citizens living on the Isthmus of

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1 Panama, who have completed 12 consecutive months of college
2 work at the Florida State University Panama Canal Branch, and
3 their spouses and dependent children.

4 (d) Full-time instructional and administrative
5 personnel employed by state public schools, community
6 colleges, and institutions of higher education, as defined in
7 s. 1000.04, and their spouses and dependent children.

8 (e) Students from Latin America and the Caribbean who
9 receive scholarships from the federal or state government.
10 Any student classified pursuant to this paragraph shall
11 attend, on a full-time basis, a Florida institution of higher
12 education.

13 (f) Southern Regional Education Board's Academic
14 Common Market graduate students attending Florida's state
15 universities.

16 (g) Full-time employees of state agencies or political
17 subdivisions of the state when the student fees are paid by
18 the state agency or political subdivision for the purpose of
19 job-related law enforcement or corrections training.

20 (h) McKnight Doctoral Fellows and Finalists who are
21 United States citizens.

22 (i) United States citizens living outside the United
23 States who are teaching at a Department of Defense Dependent
24 School or in an American International School and who enroll
25 in a graduate level education program which leads to a Florida
26 teaching certificate.

27 (j) Active duty members of the Canadian military
28 residing or stationed in this state under the North American
29 Air Defense (NORAD) agreement, and their spouses and dependent
30 children, attending a community college or state university
31 within 50 miles of the military establishment where they are

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1 stationed.

2 (11) The State Board of Education shall by rule
3 designate classifications of students as residents or
4 nonresidents for tuition purposes at community colleges and
5 state universities.

6 Section 401. Section 1009.22, Florida Statutes, is
7 created to read:

8 1009.22 Workforce development postsecondary student
9 fees.--

10 (1) This section applies to students enrolled in
11 workforce development programs who are reported for funding
12 through the Workforce Development Education Fund, except that
13 college credit fees for the community colleges are governed by
14 s. 1009.23.

15 (2) All students shall be charged fees except students
16 who are exempt from fees or students whose fees are waived.

17 (3)(a) The Commissioner of Education shall provide to
18 the State Board of Education no later than December 31 of each
19 year a schedule of fees for workforce development education,
20 excluding continuing workforce education, for school districts
21 and community colleges. The fee schedule shall be based on the
22 amount of student fees necessary to produce 25 percent of the
23 prior year's average cost of a course of study leading to a
24 certificate or diploma. Except as otherwise provided by law,
25 fees for students who are not residents for tuition purposes
26 must offset the full cost of instruction. Fee-nonexempt
27 students enrolled in vocational-preparatory instruction shall
28 be charged fees equal to the fees charged for certificate
29 career education instruction. Each community college that
30 conducts college-preparatory and vocational-preparatory
31 instruction in the same class section may charge a single fee

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1 for both types of instruction.

2 (b) Fees for continuing workforce education shall be
3 locally determined by the district school board or community
4 college board. However, at least 50 percent of the
5 expenditures for the continuing workforce education program
6 provided by the community college or school district must be
7 derived from fees.

8 (c) The State Board of Education shall adopt a fee
9 schedule for school districts and community colleges that
10 produces the fee revenues calculated pursuant to paragraph
11 (a). The schedule so calculated shall take effect, unless
12 otherwise specified in the General Appropriations Act.

13 (d) The State Board of Education shall adopt, by rule,
14 the definitions and procedures that district school boards
15 shall use in the calculation of cost borne by students.

16 (4) A district school board or community college board
17 that has a service area that borders another state may
18 implement a plan for a differential out-of-state fee.

19 (5) Each district school board and community college
20 board of trustees may establish a separate fee for financial
21 aid purposes in an additional amount of up to 10 percent of
22 the student fees collected for workforce development programs
23 funded through the Workforce Development Education Fund. All
24 fees collected shall be deposited into a separate workforce
25 development student financial aid fee trust fund of the school
26 district or community college to support students enrolled in
27 workforce development programs. Any undisbursed balance
28 remaining in the trust fund and interest income accruing to
29 investments from the trust fund shall increase the total funds
30 available for distribution to workforce development education
31 students. Awards shall be based on student financial need and

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1 distributed in accordance with a nationally recognized system
2 of need analysis approved by the State Board of Education.
3 Fees collected pursuant to this subsection shall be allocated
4 in an expeditious manner.
5 (6) Each district school board and community college
6 board of trustees may establish a separate fee for capital
7 improvements, technology enhancements, or equipping buildings
8 which may not exceed 5 percent of tuition for resident
9 students or 5 percent of tuition and out-of-state fees for
10 nonresident students. Funds collected by community colleges
11 through these fees may be bonded only for the purpose of
12 financing or refinancing new construction and equipment,
13 renovation, or remodeling of educational facilities. The fee
14 shall be collected as a component part of the tuition and
15 fees, paid into a separate account, and expended only to
16 construct and equip, maintain, improve, or enhance the
17 certificate career education or adult education facilities of
18 the school district or community college. Projects funded
19 through the use of the capital improvement fee must meet the
20 survey and construction requirements of chapter 1013. Pursuant
21 to s. 216.0158, each district school board and community
22 college board of trustees shall identify each project,
23 including maintenance projects, proposed to be funded in whole
24 or in part by such fee. Capital improvement fee revenues may
25 be pledged by a board of trustees as a dedicated revenue
26 source to the repayment of debt, including lease-purchase
27 agreements and revenue bonds, with a term not to exceed 20
28 years, and not to exceed the useful life of the asset being
29 financed, only for the new construction and equipment,
30 renovation, or remodeling of educational facilities. Community
31 colleges may use the services of the Division of Bond Finance

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1 of the State Board of Administration to issue any bonds
2 authorized through the provisions of this subsection. Any such
3 bonds issued by the Division of Bond Finance shall be in
4 compliance with the provisions of the State Bond Act. Bonds
5 issued pursuant to the State Bond Act shall be validated in
6 the manner provided by chapter 75. The complaint for such
7 validation shall be filed in the circuit court of the county
8 where the seat of state government is situated, the notice
9 required to be published by s. 75.06 shall be published only
10 in the county where the complaint is filed, and the complaint
11 and order of the circuit court shall be served only on the
12 state attorney of the circuit in which the action is pending.

13 A maximum of 15 cents per credit hour may be allocated from
14 the capital improvement fee for child care centers conducted
15 by the district school board or community college board of
16 trustees.

17 (7) Each district school board and community college
18 board of trustees is authorized to establish a separate fee
19 for technology, not to exceed \$1.80 per credit hour or
20 credit-hour equivalent for resident students and not more than
21 \$5.40 per credit hour or credit-hour equivalent for
22 nonresident students, or the equivalent, to be expended in
23 accordance with technology improvement plans. The technology
24 fee may apply only to associate degree programs and courses.
25 Fifty percent of technology fee revenues may be pledged by a
26 community college board of trustees as a dedicated revenue
27 source for the repayment of debt, including lease-purchase
28 agreements, not to exceed the useful life of the asset being
29 financed. Revenues generated from the technology fee may not
30 be bonded.

31 (8) Each district school board and community college

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1 board of trustees is authorized to establish specific fees for
2 workforce development instruction not reported for state
3 funding purposes or for workforce development instruction not
4 reported as state funded full-time equivalent students.
5 District school boards and community college boards of
6 trustees are not required to charge any other fee specified in
7 this section for this type of instruction.
8 (9) Community college boards of trustees and district
9 school boards are not authorized to charge students enrolled
10 in workforce development programs any fee that is not
11 specifically authorized by statute. In addition to tuition,
12 out-of-state, financial aid, capital improvement, and
13 technology fees, as authorized in this section, community
14 college boards of trustees and district school boards are
15 authorized to establish fee schedules for the following user
16 fees and fines: laboratory fees; parking fees and fines;
17 library fees and fines; fees and fines relating to facilities
18 and equipment use or damage; access or identification card
19 fees; duplicating, photocopying, binding, or microfilming
20 fees; standardized testing fees; diploma replacement fees;
21 transcript fees; application fees; graduation fees; and late
22 fees related to registration and payment. Such user fees and
23 fines shall not exceed the cost of the services provided and
24 shall only be charged to persons receiving the service.
25 Parking fee revenues may be pledged by a community college
26 board of trustees as a dedicated revenue source for the
27 repayment of debt, including lease-purchase agreements and
28 revenue bonds with terms not exceeding 20 years and not
29 exceeding the useful life of the asset being financed.
30 Community colleges shall use the services of the Division of
31 Bond Finance of the State Board of Administration to issue any

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1 revenue bonds authorized by the provisions of this subsection.
2 Any such bonds issued by the Division of Bond Finance shall be
3 in compliance with the provisions of the State Bond Act. Bonds
4 issued pursuant to the State Bond Act shall be validated in
5 the manner established in chapter 75. The complaint for such
6 validation shall be filed in the circuit court of the county
7 where the seat of state government is situated, the notice
8 required to be published by s. 75.06 shall be published only
9 in the county where the complaint is filed, and the complaint
10 and order of the circuit court shall be served only on the
11 state attorney of the circuit in which the action is pending.

12 (10) Each year the State Board of Education shall
13 review and evaluate the percentage of the cost of adult
14 programs and certificate career education programs supported
15 through student fees. For students who are residents for
16 tuition purposes, the schedule adopted pursuant to subsection
17 (3) must produce revenues equal to 25 percent of the prior
18 year's average program cost for college-preparatory and
19 certificate-level workforce development programs. Fees for
20 continuing workforce education shall be locally determined by
21 the district school board or community college board. However,
22 at least 50 percent of the expenditures for the continuing
23 workforce education program provided by the community college
24 or school district must be derived from fees. Except as
25 otherwise provided by law, fees for students who are not
26 residents for tuition purposes must offset the full cost of
27 instruction.

28 (11) Each school district and community college may
29 assess a service charge for the payment of tuition and fees in
30 installments. Such service charge must be approved by the
31 district school board or community college board of trustees.

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1 (12) Any school district or community college that
2 reports students who have not paid fees in an approved manner
3 in calculations of full-time equivalent enrollments for state
4 funding purposes shall be penalized at a rate equal to 2 times
5 the value of such enrollments. Such penalty shall be charged
6 against the following year's allocation from the Florida
7 Workforce Development Education Fund or the Community College
8 Program Fund and shall revert to the General Revenue Fund.
9 The State Board of Education shall specify, in rule, approved
10 methods of student fee payment. Such methods must include,
11 but need not be limited to, student fee payment; payment
12 through federal, state, or institutional financial aid; and
13 employer fee payments.

14 (13) Each school district and community college shall
15 report only those students who have actually enrolled in
16 instruction provided or supervised by instructional personnel
17 under contract with the district or community college in
18 calculations of actual full-time enrollments for state funding
19 purposes. A student who has been exempted from taking a
20 course or who has been granted academic or technical credit
21 through means other than actual coursework completed at the
22 granting institution may not be calculated for enrollment in
23 the course from which the student has been exempted or for
24 which the student has been granted credit. School districts
25 and community colleges that report enrollments in violation of
26 this subsection shall be penalized at a rate equal to 2 times
27 the value of such enrollments. Such penalty shall be charged
28 against the following year's allocation from the Workforce
29 Development Education Fund and shall revert to the General
30 Revenue Fund.

31 Section 402. Section 1009.23, Florida Statutes, is

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1 created to read:

2 1009.23 Community college student fees.--

3 (1) Unless otherwise provided, the provisions of this
4 section apply only to fees charged for college credit
5 instruction leading to an associate in arts degree, an
6 associate in applied science degree, or an associate in
7 science degree and noncollege credit college-preparatory
8 courses defined in s. 1004.02.

9 (2) All students shall be charged fees except students
10 who are exempt from fees or students whose fees are waived.

11 (3) The State Board of Education shall adopt by
12 December 31 of each year a resident fee schedule for the
13 following fall for advanced and professional, associate in
14 science degree, and college-preparatory programs that produce
15 revenues in the amount of 25 percent of the full prior year's
16 cost of these programs. Fees for courses in
17 college-preparatory programs and associate in arts and
18 associate in science degree programs may be established at the
19 same level. In the absence of a provision to the contrary in
20 an appropriations act, the fee schedule shall take effect and
21 the colleges shall expend the funds on instruction. If the
22 Legislature provides for an alternative fee schedule in an
23 appropriations act, the fee schedule shall take effect the
24 subsequent fall semester.

25 (4) Each community college board of trustees shall
26 establish tuition and out-of-state fees, which may vary no
27 more than 10 percent below and 15 percent above the combined
28 total of the fee schedule adopted by the State Board of
29 Education and the technology fee adopted by a board of
30 trustees, provided that any amount from 10 to 15 percent above
31 the fee schedule is used only to support safety and security

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1 purposes. In order to assess an additional amount for safety
2 and security purposes, a community college board of trustees
3 must provide written justification to the State Board of
4 Education based on criteria approved by the board of trustees,
5 including, but not limited to, criteria such as local crime
6 data and information, and strategies for the implementation of
7 local safety plans. Should a college decide to increase the
8 tuition fee, the funds raised by increasing the tuition fee
9 must be expended solely for additional safety and security
10 purposes and shall not supplant funding expended in the
11 1998-1999 budget for safety and security purposes.

12 (5) Except as otherwise provided in law, the sum of
13 nonresident student tuition and out-of-state fees must be
14 sufficient to defray the full cost of each program.

15 (6) A community college board of trustees that has a
16 service area that borders another state may implement a plan
17 for a differential out-of-state fee.

18 (7) Each community college board of trustees may
19 establish a separate activity and service fee not to exceed 10
20 percent of the tuition fee, according to rules of the State
21 Board of Education. The student activity and service fee shall
22 be collected as a component part of the tuition and fees. The
23 student activity and service fees shall be paid into a student
24 activity and service fund at the community college and shall
25 be expended for lawful purposes to benefit the student body in
26 general. These purposes include, but are not limited to,
27 student publications and grants to duly recognized student
28 organizations, the membership of which is open to all students
29 at the community college without regard to race, sex, or
30 religion.

31 (8)(a) Each community college board of trustees is

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1 authorized to establish a separate fee for financial aid
2 purposes in an additional amount up to, but not to exceed, 5
3 percent of the total student tuition or out-of-state fees
4 collected. Each community college board of trustees may
5 collect up to an additional 2 percent if the amount generated
6 by the total financial aid fee is less than \$250,000. If the
7 amount generated is less than \$250,000, a community college
8 that charges tuition and out-of-state fees at least equal to
9 the average fees established by rule may transfer from the
10 general current fund to the scholarship fund an amount equal
11 to the difference between \$250,000 and the amount generated by
12 the total financial aid fee assessment. No other transfer from
13 the general current fund to the loan, endowment, or
14 scholarship fund, by whatever name known, is authorized.

15 (b) All funds collected under this program shall be
16 placed in the loan and endowment fund or scholarship fund of
17 the college, by whatever name known. Such funds shall be
18 disbursed to students as quickly as possible. An amount not
19 greater than 40 percent of the fees collected in a fiscal year
20 may be carried forward unexpended to the following fiscal
21 year. However, funds collected prior to July 1, 1989, and
22 placed in an endowment fund may not be considered part of the
23 balance of funds carried forward unexpended to the following
24 fiscal year.

25 (c) Up to 25 percent or \$300,000, whichever is
26 greater, of the financial aid fees collected may be used to
27 assist students who demonstrate academic merit; who
28 participate in athletics, public service, cultural arts, and
29 other extracurricular programs as determined by the
30 institution; or who are identified as members of a targeted
31 gender or ethnic minority population. The financial aid fee

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1 revenues allocated for athletic scholarships and fee
2 exemptions provided pursuant to s. 1009.25(3) for athletes
3 shall be distributed equitably as required by s.
4 1000.05(3)(d). A minimum of 75 percent of the balance of these
5 funds for new awards shall be used to provide financial aid
6 based on absolute need, and the remainder of the funds shall
7 be used for academic merit purposes and other purposes
8 approved by the boards of trustees. Such other purposes shall
9 include the payment of child care fees for students with
10 financial need. The State Board of Education shall develop
11 criteria for making financial aid awards. Each college shall
12 report annually to the Department of Education on the revenue
13 collected pursuant to this paragraph, the amount carried
14 forward, the criteria used to make awards, the amount and
15 number of awards for each criterion, and a delineation of the
16 distribution of such awards. The report shall include an
17 assessment by category of the financial need of every student
18 who receives an award, regardless of the purpose for which the
19 award is received. Awards which are based on financial need
20 shall be distributed in accordance with a nationally
21 recognized system of need analysis approved by the State Board
22 of Education. An award for academic merit shall require a
23 minimum overall grade point average of 3.0 on a 4.0 scale or
24 the equivalent for both initial receipt of the award and
25 renewal of the award.

26 (d) These funds may not be used for direct or indirect
27 administrative purposes or salaries.

28 (9) Any community college that reports students who
29 have not paid fees in an approved manner in calculations of
30 full-time equivalent enrollments for state funding purposes
31 shall be penalized at a rate equal to two times the value of

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1 such enrollments. Such penalty shall be charged against the
2 following year's allocation from the Community College Program
3 Fund and shall revert to the General Revenue Fund.

4 (10) Each community college board of trustees is
5 authorized to establish a separate fee for technology, which
6 may not exceed \$1.80 per credit hour or credit-hour equivalent
7 for resident students and not more than \$5.40 per credit hour
8 or credit-hour equivalent for nonresident students, to be
9 expended according to technology improvement plans. The
10 technology fee may apply to both college credit and
11 college-preparatory instruction. Fifty percent of technology
12 fee revenues may be pledged by a community college board of
13 trustees as a dedicated revenue source for the repayment of
14 debt, including lease-purchase agreements, not to exceed the
15 useful life of the asset being financed. Revenues generated
16 from the technology fee may not be bonded.

17 (11) Each community college board of trustees may
18 establish a separate fee for capital improvements, technology
19 enhancements, or equipping student buildings which may not
20 exceed \$1 per credit hour or credit-hour equivalent for
21 residents and which equals or exceeds \$3 per credit hour for
22 nonresidents. Funds collected by community colleges through
23 these fees may be bonded only for the purpose of financing or
24 refinancing new construction and equipment, renovation, or
25 remodeling of educational facilities. The fee shall be
26 collected as a component part of the tuition and fees, paid
27 into a separate account, and expended only to construct and
28 equip, maintain, improve, or enhance the educational
29 facilities of the community college. Projects funded through
30 the use of the capital improvement fee shall meet the survey
31 and construction requirements of chapter 1013. Pursuant to s.

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1 216.0158, each community college shall identify each project,
2 including maintenance projects, proposed to be funded in whole
3 or in part by such fee. Capital improvement fee revenues may
4 be pledged by a board of trustees as a dedicated revenue
5 source to the repayment of debt, including lease-purchase
6 agreements and revenue bonds, with a term not to exceed 20
7 years, and not to exceed the useful life of the asset being
8 financed, only for the new construction and equipment,
9 renovation, or remodeling of educational facilities. Community
10 colleges may use the services of the Division of Bond Finance
11 of the State Board of Administration to issue any bonds
12 authorized through the provisions of this subsection. Any such
13 bonds issued by the Division of Bond Finance shall be in
14 compliance with the provisions of the State Bond Act. Bonds
15 issued pursuant to the State Bond Act shall be validated in
16 the manner provided by chapter 75. The complaint for such
17 validation shall be filed in the circuit court of the county
18 where the seat of state government is situated, the notice
19 required to be published by s. 75.06 shall be published only
20 in the county where the complaint is filed, and the complaint
21 and order of the circuit court shall be served only on the
22 state attorney of the circuit in which the action is pending.
23 A maximum of 15 cents per credit hour may be allocated from
24 the capital improvement fee for child care centers conducted
25 by the community college.

26 (12) In addition to tuition, out-of-state, financial
27 aid, capital improvement, student activity and service, and
28 technology fees authorized in this section, each community
29 college board of trustees is authorized to establish fee
30 schedules for the following user fees and fines: laboratory
31 fees; parking fees and fines; library fees and fines; fees and

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1 fines relating to facilities and equipment use or damage;
2 access or identification card fees; duplicating, photocopying,
3 binding, or microfilming fees; standardized testing fees;
4 diploma replacement fees; transcript fees; application fees;
5 graduation fees; and late fees related to registration and
6 payment. Such user fees and fines shall not exceed the cost of
7 the services provided and shall only be charged to persons
8 receiving the service. A community college may not charge any
9 fee except as authorized by law or rules of the State Board of
10 Education. Parking fee revenues may be pledged by a community
11 college board of trustees as a dedicated revenue source for
12 the repayment of debt, including lease-purchase agreements and
13 revenue bonds with terms not exceeding 20 years and not
14 exceeding the useful life of the asset being financed.
15 Community colleges shall use the services of the Division of
16 Bond Finance of the State Board of Administration to issue any
17 revenue bonds authorized by the provisions of this subsection.
18 Any such bonds issued by the Division of Bond Finance shall be
19 in compliance with the provisions of the State Bond Act. Bonds
20 issued pursuant to the State Bond Act shall be validated in
21 the manner established in chapter 75. The complaint for such
22 validation shall be filed in the circuit court of the county
23 where the seat of state government is situated, the notice
24 required to be published by s. 75.06 shall be published only
25 in the county where the complaint is filed, and the complaint
26 and order of the circuit court shall be served only on the
27 state attorney of the circuit in which the action is pending.
28 (13) The State Board of Education shall specify, as
29 necessary, by rule, approved methods of student fee payment.
30 Such methods shall include, but not be limited to, student fee
31 payment; payment through federal, state, or institutional

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1 financial aid; and employer fee payments.

2 (14) Each community college board of trustees shall
3 report only those students who have actually enrolled in
4 instruction provided or supervised by instructional personnel
5 under contract with the community college in calculations of
6 actual full-time equivalent enrollments for state funding
7 purposes. No student who has been exempted from taking a
8 course or who has been granted academic or technical credit
9 through means other than actual coursework completed at the
10 granting institution shall be calculated for enrollment in the
11 course from which he or she has been exempted or granted
12 credit. Community colleges that report enrollments in
13 violation of this subsection shall be penalized at a rate
14 equal to two times the value of such enrollments. Such penalty
15 shall be charged against the following year's allocation from
16 the Community College Program Fund and shall revert to the
17 General Revenue Fund.

18 (15) Each community college may assess a service
19 charge for the payment of tuition and fees in installments.
20 Such service charge must be approved by the community college
21 board of trustees.

22 (16) The State Board of Education shall adopt a rule
23 specifying the definitions and procedures to be used in the
24 calculation of the percentage of cost paid by students. The
25 rule must provide for the calculation of the full cost of
26 educational programs based on the allocation of all funds
27 provided through the general current fund to programs of
28 instruction, and other activities as provided in the annual
29 expenditure analysis. The rule shall be developed in
30 consultation with the Legislature.

31 Section 403. Section 1009.24, Florida Statutes, is

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1 created to read:

2 1009.24 State university student fees.--

3 (1) This section applies to students enrolled in
4 college credit programs at state universities.

5 (2) All students shall be charged fees except students
6 who are exempt from fees or students whose fees are waived.

7 (3) Within proviso in the General Appropriations Act
8 and law, each board of trustees shall set university tuition
9 and fees. The sum of the activity and service, health, and
10 athletic fees a student is required to pay to register for a
11 course shall not exceed 40 percent of the tuition established
12 in law or in the General Appropriations Act. No university
13 shall be required to lower any fee in effect on the effective
14 date of this act in order to comply with this subsection.
15 Within the 40 percent cap, universities may not increase the
16 aggregate sum of activity and service, health, and athletic
17 fees more than 5 percent per year unless specifically
18 authorized in law or in the General Appropriations Act. This
19 subsection does not prohibit a university from increasing or
20 assessing optional fees related to specific activities if
21 payment of such fees is not required as a part of registration
22 for courses.

23 (4) A university that has a service area that borders
24 another state may implement a plan for a differential
25 out-of-state fee.

26 (5) Students who are enrolled in Programs in Medical
27 Sciences are considered graduate students for the purpose of
28 enrollment and student fees.

29 (6) A university board of trustees is authorized to
30 collect for financial aid purposes an amount not to exceed 5
31 percent of the tuition and out-of-state fee. The revenues from

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1 fees are to remain at each campus and replace existing
2 financial aid fees. Such funds shall be disbursed to students
3 as quickly as possible. A minimum of 75 percent of funds from
4 the student financial aid fee for new financial aid awards
5 shall be used to provide financial aid based on absolute need.
6 A student who has received an award prior to July 1, 1984,
7 shall have his or her eligibility assessed on the same
8 criteria that were used at the time of his or her original
9 award. The State Board of Education shall develop criteria for
10 making financial aid awards. Each university shall report
11 annually to the Department of Education on the revenue
12 collected pursuant to this subsection, the amount carried
13 forward, the criteria used to make awards, the amount and
14 number of awards for each criterion, and a delineation of the
15 distribution of such awards. The report shall include an
16 assessment by category of the financial need of every student
17 who receives an award, regardless of the purpose for which the
18 award is received. Awards which are based on financial need
19 shall be distributed in accordance with a nationally
20 recognized system of need analysis approved by the State Board
21 of Education. An award for academic merit shall require a
22 minimum overall grade point average of 3.0 on a 4.0 scale or
23 the equivalent for both initial receipt of the award and
24 renewal of the award.

25 (7) The Capital Improvement Trust Fund fee is
26 established as \$2.44 per credit hour per semester. The
27 building fee is established as \$2.32 per credit hour per
28 semester.

29 (8) Each university board of trustees is authorized to
30 establish separate activity and service, health, and athletic
31 fees. When duly established, the fees shall be collected as

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1 component parts of tuition and fees and shall be retained by
2 the university and paid into the separate activity and
3 service, health, and athletic funds.

4 (9)(a) Each university board of trustees shall
5 establish a student activity and service fee on the main
6 campus of the university. The university board may also
7 establish a student activity and service fee on any branch
8 campus or center. Any subsequent increase in the activity and
9 service fee must be recommended by an activity and service fee
10 committee, at least one-half of whom are students appointed by
11 the student body president. The remainder of the committee
12 shall be appointed by the university president. A chairperson,
13 appointed jointly by the university president and the student
14 body president, shall vote only in the case of a tie. The
15 recommendations of the committee shall take effect only after
16 approval by the university president, after consultation with
17 the student body president, with final approval by the
18 university board of trustees. An increase in the activity and
19 service fee may occur only once each fiscal year and must be
20 implemented beginning with the fall term. The State Board of
21 Education is responsible for promulgating the rules and
22 timetables necessary to implement this fee.

23 (b) The student activity and service fees shall be
24 expended for lawful purposes to benefit the student body in
25 general. This shall include, but shall not be limited to,
26 student publications and grants to duly recognized student
27 organizations, the membership of which is open to all students
28 at the university without regard to race, sex, or religion.
29 The fund may not benefit activities for which an admission fee
30 is charged to students, except for
31 student-government-association-sponsored concerts. The

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1 allocation and expenditure of the fund shall be determined by
2 the student government association of the university, except
3 that the president of the university may veto any line item or
4 portion thereof within the budget when submitted by the
5 student government association legislative body. The
6 university president shall have 15 school days from the date
7 of presentation of the budget to act on the allocation and
8 expenditure recommendations, which shall be deemed approved if
9 no action is taken within the 15 school days. If any line item
10 or portion thereof within the budget is vetoed, the student
11 government association legislative body shall within 15 school
12 days make new budget recommendations for expenditure of the
13 vetoed portion of the fund. If the university president vetoes
14 any line item or portion thereof within the new budget
15 revisions, the university president may reallocate by line
16 item that vetoed portion to bond obligations guaranteed by
17 activity and service fees. Unexpended funds and undisbursed
18 funds remaining at the end of a fiscal year shall be carried
19 over and remain in the student activity and service fund and
20 be available for allocation and expenditure during the next
21 fiscal year.

22 (10) Each university board of trustees shall establish
23 a student health fee on the main campus of the university. The
24 university board of trustees may also establish a student
25 health fee on any branch campus or center. Any subsequent
26 increase in the health fee must be recommended by a health
27 committee, at least one-half of whom are students appointed by
28 the student body president. The remainder of the committee
29 shall be appointed by the university president. A chairperson,
30 appointed jointly by the university president and the student
31 body president, shall vote only in the case of a tie. The

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1 recommendations of the committee shall take effect only after
2 approval by the university president, after consultation with
3 the student body president, with final approval by the
4 university board of trustees. An increase in the health fee
5 may occur only once each fiscal year and must be implemented
6 beginning with the fall term. The State Board of Education is
7 responsible for promulgating the rules and timetables
8 necessary to implement this fee.

9 (11) Each university board of trustees shall establish
10 a separate athletic fee on the main campus of the university.
11 The university board may also establish a separate athletic
12 fee on any branch campus or center. Any subsequent increase in
13 the athletic fee must be recommended by an athletic fee
14 committee, at least one-half of whom are students appointed by
15 the student body president. The remainder of the committee
16 shall be appointed by the university president. A chairperson,
17 appointed jointly by the university president and the student
18 body president, shall vote only in the case of a tie. The
19 recommendations of the committee shall take effect only after
20 approval by the university president, after consultation with
21 the student body president, with final approval by the
22 university board of trustees. An increase in the athletic fee
23 may occur only once each fiscal year and must be implemented
24 beginning with the fall term. The State Board of Education is
25 responsible for promulgating the rules and timetables
26 necessary to implement this fee.

27 (12) Each university board of trustees is authorized
28 to establish the following fees:

29 (a) A nonrefundable application fee in an amount not
30 to exceed \$30.

31 (b) An orientation fee in an amount not to exceed \$35.

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1 (c) A fee for security, access, or identification
2 cards. The annual fee for such a card may not exceed \$10 per
3 card. The maximum amount charged for a replacement card may
4 not exceed \$15.

5 (d) Registration fees for audit and zero-hours
6 registration; a service charge, which may not exceed \$15, for
7 the payment of tuition in installments; and a
8 late-registration fee in an amount not less than \$50 nor more
9 than \$100 to be imposed on students who fail to initiate
10 registration during the regular registration period.

11 (e) A late-payment fee in an amount not less than \$50
12 nor more than \$100 to be imposed on students who fail to pay
13 or fail to make appropriate arrangements to pay (by means of
14 installment payment, deferment, or third-party billing)
15 tuition by the deadline set by each university. Each
16 university may adopt specific procedures or policies for
17 waiving the late-payment fee for minor underpayments.

18 (f) A fee for miscellaneous health-related charges for
19 services provided at cost by the university health center
20 which are not covered by the health fee set under subsection
21 (10).

22 (g) Materials and supplies fees to offset the cost of
23 materials or supplies that are consumed in the course of the
24 student's instructional activities, excluding the cost of
25 equipment replacement, repairs, and maintenance.

26 (h) Housing rental rates and miscellaneous housing
27 charges for services provided by the university at the request
28 of the student.

29 (i) A charge representing the reasonable cost of
30 efforts to collect payment of overdue accounts.

31 (j) A service charge on university loans in lieu of

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1 interest and administrative handling charges.

2 (k) A fee for off-campus course offerings when the
3 location results in specific, identifiable increased costs to
4 the university.

5 (l) Library fees and fines, including charges for
6 damaged and lost library materials, overdue reserve library
7 books, interlibrary loans, and literature searches.

8 (m) Fees relating to duplicating, photocopying,
9 binding, and microfilming; copyright services; and
10 standardized testing. These fees may be charged only to those
11 who receive the services.

12 (n) Fees and fines relating to the use, late return,
13 and loss and damage of facilities and equipment.

14 (o) A returned-check fee as authorized by s. 832.07(1)
15 for unpaid checks returned to the university.

16 (p) Traffic and parking fines, charges for parking
17 decals, and transportation access fees.

18 (q) An Educational Research Center for Child
19 Development fee for child care and services offered by the
20 center.

21 (r) Fees for transcripts and diploma replacement, not
22 to exceed \$10 per item.

23 (13) The board of trustees of the University of
24 Florida is authorized to establish an admissions deposit fee
25 for the University of Florida College of Dentistry in an
26 amount not to exceed \$200.

27 (14) Each university may assess a service charge for
28 the payment of tuition and fees in installments. Such service
29 charge must be approved by the university board of trustees.

30 Section 404. Section 1009.25, Florida Statutes, is
31 created to read:

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1 1009.25 Fee exemptions.--

2 (1) The following students are exempt from any
3 requirement for the payment of tuition and fees, including lab
4 fees, for adult basic, adult secondary, or
5 vocational-preparatory instruction:

6 (a) A student who does not have a high school diploma
7 or its equivalent.

8 (b) A student who has a high school diploma or its
9 equivalent and who has academic skills at or below the eighth
10 grade level pursuant to state board rule. A student is
11 eligible for this exemption from fees if the student's skills
12 are at or below the eighth grade level as measured by a test
13 administered in the English language and approved by the
14 Department of Education, even if the student has skills above
15 that level when tested in the student's native language.

16 (2) The following students are exempt from the payment
17 of tuition and fees, including lab fees, at a school district
18 that provides postsecondary career and technical programs,
19 community college, or state university:

20 (a) A student enrolled in a dual enrollment or early
21 admission program pursuant to s. 1007.27 or s. 1007.271.

22 (b) A student enrolled in an approved apprenticeship
23 program, as defined in s. 446.021.

24 (c) A student for whom the state is paying a foster
25 care board payment pursuant to s. 409.145(3) or pursuant to
26 parts II and III of chapter 39, for whom the permanency
27 planning goal pursuant to part III of chapter 39 is long-term
28 foster care or independent living, or who is adopted from the
29 Department of Children and Family Services after May 5, 1997.
30 Such exemption includes fees associated with enrollment in
31 vocational-preparatory instruction and completion of the

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1 college-level communication and computation skills testing
2 program. Such exemption shall be available to any student
3 adopted from the Department of Children and Family Services
4 after May 5, 1997; however, the exemption shall be valid for
5 no more than 4 years after the date of graduation from high
6 school.

7 (d) A student enrolled in an employment and training
8 program under the welfare transition program. The regional
9 workforce board shall pay the state university, community
10 college, or school district for costs incurred for welfare
11 transition program participants.

12 (e) A student who lacks a fixed, regular, and adequate
13 nighttime residence or whose primary nighttime residence is a
14 public or private shelter designed to provide temporary
15 residence for individuals intended to be institutionalized, or
16 a public or private place not designed for, or ordinarily used
17 as, a regular sleeping accommodation for human beings.

18 (f) A student who is a proprietor, owner, or worker of
19 a company whose business has been at least 50 percent
20 negatively financially impacted by the buy-out of property
21 around Lake Apopka by the State of Florida. Such a student may
22 receive a fee exemption only if the student has not received
23 compensation because of the buy-out, the student is designated
24 a Florida resident for tuition purposes, pursuant to s.
25 1009.21, and the student has applied for and been denied
26 financial aid, pursuant to s. 1009.40, which would have
27 provided, at a minimum, payment of all student fees. The
28 student is responsible for providing evidence to the
29 postsecondary education institution verifying that the
30 conditions of this paragraph have been met, including support
31 documentation provided by the Department of Revenue. The

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1 student must be currently enrolled in, or begin coursework
2 within, a program area by fall semester 2000. The exemption
3 is valid for a period of 4 years from the date that the
4 postsecondary education institution confirms that the
5 conditions of this paragraph have been met.

6 (3) Each community college is authorized to grant
7 student fee exemptions from all fees adopted by the State
8 Board of Education and the community college board of trustees
9 for up to 40 full-time equivalent students at each
10 institution.

11 Section 405. Section 1009.26, Florida Statutes, is
12 created to read:

13 1009.26 Fee waivers.--

14 (1) School districts and community colleges may waive
15 fees for any fee-nonexempt student. The total value of fee
16 waivers granted by the school district or community college
17 may not exceed the amount established annually in the General
18 Appropriations Act. Any student whose fees are waived in
19 excess of the authorized amount may not be reported for state
20 funding purposes. Any school district or community college
21 that waives fees and requests state funding for a student in
22 violation of the provisions of this section shall be penalized
23 at a rate equal to 2 times the value of the full-time student
24 enrollment reported.

25 (2) A state university may waive any or all
26 application, tuition, and related fees for persons who
27 supervise student interns for a state university.

28 (3) A university board of trustees is authorized to
29 permit full-time university employees who meet academic
30 requirements to enroll for up to 6 credit hours of
31 tuition-free courses per term on a space-available basis.

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1 (4) A state university may waive any or all
2 application, tuition, and related fees for persons 60 years of
3 age or older who are residents of this state and who attend
4 classes for credit. No academic credit shall be awarded for
5 attendance in classes for which fees are waived under this
6 subsection. This privilege may be granted only on a
7 space-available basis, if such classes are not filled as of
8 the close of registration. A university may limit or deny the
9 privilege for courses which are in programs for which the
10 State Board of Education has established selective admissions
11 criteria. Persons paying full fees and state employees taking
12 courses on a space-available basis shall have priority over
13 those persons whose fees are waived in all cases where
14 classroom spaces are limited.

15 (5) Any graduate student enrolled in a state-approved
16 school psychology training program shall be entitled to a
17 waiver of registration fees for internship credit hours
18 applicable to an internship in the public school system under
19 the supervision of a Department of Education certified school
20 psychologist employed by the school system.

21 (6) The State Board of Education may establish rules
22 to allow for the waiver of out-of-state fees for
23 nondegree-seeking students enrolled at a state university if
24 the earned student credit hours generated by such students are
25 nonfundable and the direct cost for the program of study is
26 recovered from the fees charged to all students.

27 (7) The spouse of a deceased state employee is
28 entitled, when eligible for the payment of student fees by the
29 state as employer pursuant to s. 440.16, in lieu of such
30 payment, to a full waiver of student fees for up to 80
31 semester hours in any community college.

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1 (8) Fees shall be waived for certain members of the
2 active Florida National Guard pursuant to s. 250.10(8).

3 Section 406. Section 1009.265, Florida Statutes, is
4 created to read:

5 1009.265 State employee fee waivers.--

6 (1) As a benefit to the employer and employees of the
7 state, subject to approval by an employee's agency head or the
8 equivalent, each state university and community college shall
9 wave tuition and fees for state employees to enroll for up to
10 6 credit hours of courses per term on a space-available basis.

11 (2) The Comptroller, in cooperation with the community
12 colleges and state universities, shall identify and implement
13 ways to ease the administrative burden to community colleges
14 and state universities, including, but not limited to,
15 providing easier access to verify state employment.

16 (3) From funds appropriated by the Legislature for
17 administrative costs to implement this section, community
18 colleges and state universities shall be reimbursed on a pro
19 rata basis according to the cost assessment data developed by
20 the Department of Education.

21 (4) The Auditor General shall include a review of the
22 cost assessment data in conjunction with his or her audit
23 responsibilities for community colleges, state universities,
24 and the Department of Education.

25 (5) For purposes of this section, employees of the
26 state include employees of the executive, legislative, and
27 judicial branches of state government, except for persons
28 employed by a state university.

29 Section 407. Section 1009.27, Florida Statutes, is
30 created to read:

31 1009.27 Deferral of fees.--

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1 (1) The State Board of Education shall adopt rules to
2 allow the deferral of tuition and registration fees for
3 students receiving financial aid from a federal or state
4 assistance program when the aid is delayed in being
5 transmitted to the student through circumstances beyond the
6 control of the student. The failure to make timely application
7 for the aid is an insufficient reason to receive a deferral of
8 fees. The rules must provide for the enforcement and
9 collection or other settlement of delinquent accounts.

10 (2) Any veteran or other eligible student who receives
11 benefits under chapter 30, chapter 31, chapter 32, chapter 34,
12 or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10,
13 U.S.C., is entitled to one deferment each academic year and an
14 additional deferment each time there is a delay in the receipt
15 of benefits.

16 (3) Each school district, community college, and state
17 university is responsible for collecting all deferred fees. If
18 a school district, community college, or state university has
19 not collected a deferred fee, the student may not earn state
20 funding for any course for which the student subsequently
21 registers until the fee has been paid.

22 Section 408. Section 1009.28, Florida Statutes, is
23 created to read:

24 1009.28 Fees for repeated enrollment in
25 college-preparatory classes.--A student enrolled in the same
26 college-preparatory class more than twice shall pay 100
27 percent of the full cost of instruction to support continuous
28 enrollment of that student in the same class, and the student
29 shall not be included in calculations of full-time equivalent
30 enrollments for state funding purposes; however, students who
31 withdraw or fail a class due to extenuating circumstances may

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1 be granted an exception only once for each class, provided
2 approval is granted according to policy established by the
3 board of trustees. Each community college may review and
4 reduce fees paid by students due to continued enrollment in a
5 college-preparatory class on an individual basis contingent
6 upon the student's financial hardship, pursuant to definitions
7 and fee levels established by the State Board of Education.

8 Section 409. Section 1009.285, Florida Statutes, is
9 created to read:

10 1009.285 Fees for repeated enrollment in
11 college-credit courses.--A student enrolled in the same
12 undergraduate college-credit course more than twice shall pay
13 tuition at 100 percent of the full cost of instruction and
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 that approval is granted according to policy established by
19 the community college board of trustees or the university
20 board of trustees. Each community college and state university
21 may review and reduce fees paid by students due to continued
22 enrollment in a college-credit class on an individual basis
23 contingent upon the student's financial hardship, pursuant to
24 definitions and fee levels established by the State Board of
25 Education. For purposes of this section, first-time enrollment
26 in a class shall mean enrollment in a class beginning fall
27 semester 1997, and calculations of the full cost of
28 instruction shall be based on the systemwide average of the
29 prior year's cost of undergraduate programs for the community
30 colleges and the state universities. Boards of trustees may
31 make exceptions to this section for individualized study,

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1 elective coursework, courses that are repeated as a
2 requirement of a major, and courses that are intended as
3 continuing over multiple semesters, excluding the repeat of
4 coursework more than two times to increase grade point average
5 or meet minimum course grade requirements.

6 Section 410. Section 1009.29, Florida Statutes, is
7 created to read:

8 1009.29 Increased fees for funding financial aid
9 program.--

10 (1) Student tuition and registration fees at each
11 state university and community college shall include up to
12 \$4.68 per quarter, or \$7.02 per semester, per full-time
13 student, or the per-student credit hour equivalents of such
14 amounts. The fees provided for by this section shall be
15 adjusted from time to time, as necessary, to comply with the
16 debt service coverage requirements of the student loan revenue
17 bonds issued pursuant to s. 1009.79. If the Division of Bond
18 Finance of the State Board of Education and the Commissioner
19 of Education determine that such fees are no longer required
20 as security for revenue bonds issued pursuant to ss.
21 1009.78-1009.88, moneys previously collected pursuant to this
22 section which are held in escrow, after administrative
23 expenses have been met and up to \$150,000 has been used to
24 establish a financial aid data processing system for the state
25 universities incorporating the necessary features to meet the
26 needs of all nine universities for application through
27 disbursement processing, shall be reallocated to the
28 generating institutions to be used for student financial aid
29 programs, including, but not limited to, scholarships and
30 grants for educational purposes. Upon such determination, such
31 fees shall no longer be assessed and collected.

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1 (2) The Department of Education may, in accordance
2 with rules established by the State Board of Administration,
3 receive and administer grants and donations from any source
4 and, in its discretion, establish criteria, select recipients,
5 and award scholarships and loans from the fees provided for by
6 this section, and fix the interest rates and terms of
7 repayment.

8 Section 411. Part III of chapter 1009, Florida
9 Statutes, shall be entitled "Financial Assistance" and shall
10 consist of ss. 1009.40-1009.96.

11 Section 412. Part III.a. of chapter 1009, Florida
12 Statutes, shall be entitled "General Provisions" and shall
13 consist of ss. 1009.40-1009.44.

14 Section 413. Section 1009.40, Florida Statutes, is
15 created to read:

16 1009.40 General requirements for student eligibility
17 for state financial aid.--

18 (1)(a) The general requirements for eligibility of
19 students for state financial aid awards consist of the
20 following:

21 1. Achievement of the academic requirements of and
22 acceptance at a state university or community college; a
23 nursing diploma school approved by the Florida Board of
24 Nursing; a Florida college, university, or community college
25 which is accredited by an accrediting agency recognized by the
26 State Board of Education; any Florida institution the credits
27 of which are acceptable for transfer to state universities;
28 any technical center; or any private technical institution
29 accredited by an accrediting agency recognized by the State
30 Board of Education.

31 2. Residency in this state for no less than 1 year

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1 preceding the award of aid for a program established pursuant
2 to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.56, s. 1009.53,
3 s. 1009.54, s. 1009.57, s. 1009.60, s. 1009.60, s. 1009.62, s.
4 1009.63, s. 1009.76, s. 1009.72, s. 1009.73, s. 1009.77, or s.
5 1009.89. Residency in this state must be for purposes other
6 than to obtain an education. Resident status for purposes of
7 receiving state financial aid awards shall be determined in
8 the same manner as resident status for tuition purposes
9 pursuant to s. 1009.21 and rules of the State Board of
10 Education.

11 3. Submission of certification attesting to the
12 accuracy, completeness, and correctness of information
13 provided to demonstrate a student's eligibility to receive
14 state financial aid awards. Falsification of such information
15 shall result in the denial of any pending application and
16 revocation of any award currently held to the extent that no
17 further payments shall be made. Additionally, students who
18 knowingly make false statements in order to receive state
19 financial aid awards shall be guilty of a misdemeanor of the
20 second degree subject to the provisions of s. 837.06 and shall
21 be required to return all state financial aid awards
22 wrongfully obtained.

23 (b)1. Eligibility for the renewal of undergraduate
24 financial aid awards shall be evaluated at the end of the
25 second semester or third quarter of each academic year. As a
26 condition for renewal, a student shall:

27 a. Have earned a minimum cumulative grade point
28 average of 2.0 on a 4.0 scale; and

29 b. Have earned, for full-time study, 12 credits per
30 term or the equivalent for the number of terms for which aid
31 was received.

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1 2. A student who earns the minimum number of credits
2 required for renewal, but who fails to meet the minimum 2.0
3 cumulative grade point average, may be granted a probationary
4 award for up to the equivalent of 1 academic year and shall be
5 required to earn a cumulative grade point average of 2.0 on a
6 4.0 scale by the end of the probationary period to be eligible
7 for subsequent renewal. A student who receives a probationary
8 award and who fails to meet the conditions for renewal by the
9 end of his or her probationary period shall be ineligible to
10 receive additional awards for the equivalent of 1 academic
11 year following his or her probationary period. Each such
12 student may, however, reapply for assistance during a
13 subsequent application period and may be eligible for an award
14 if he or she has earned a cumulative grade point average of
15 2.0 on a 4.0 scale.

16 3. A student who fails to earn the minimum number of
17 credits required for renewal shall lose his or her eligibility
18 for renewal for a period equivalent to 1 academic year.
19 However, the student may reapply during a subsequent
20 application period and may be eligible for an award if he or
21 she has earned a minimum cumulative grade point average of 2.0
22 on a 4.0 scale.

23 4. Students who receive state student aid and
24 subsequently fail to meet state academic progress requirements
25 due to verifiable illness or other emergencies may be granted
26 an exception from the academic requirements. Such students
27 shall make a written appeal to the institution. The appeal
28 shall include a description and verification of the
29 circumstances. Verification of illness or other emergencies
30 may include but not be limited to a physician's statement or
31 written statement of a parent or college official. The

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1 institution shall recommend exceptions with necessary
2 documentation to the department. The department may accept or
3 deny such recommendations for exception from the institution.

4 (2) These requirements do not preclude higher
5 standards specified in other sections of this part, in rules
6 of the state board, or in rules of a participating
7 institution.

8 (3) Undergraduate students are be eligible to receive
9 financial aid for a maximum of 8 semesters or 12 quarters.
10 However, undergraduate students participating in
11 college-preparatory instruction, students requiring additional
12 time to complete the college-level communication and
13 computation skills testing programs, or students enrolled in a
14 5-year undergraduate degree program are eligible to receive
15 financial aid for a maximum of 10 semesters or 15 quarters.

16 (4) No student is eligible to receive more than one
17 state scholarship that is based on academic merit. Students
18 who qualify for more than one such scholarship shall be
19 notified of all awards for which they qualify and shall be
20 provided the opportunity to accept one of their choosing.

21 Section 414. Section 1009.41, Florida Statutes, is
22 created to read:

23 1009.41 State financial aid; students with a
24 disability.--Notwithstanding the provisions of s.
25 1009.40(1)(b)1.b. regarding the number of credits earned per
26 term, or other financial aid eligibility requirements related
27 to the number of required credits earned per term, a student
28 with a documented disability, as defined by the Americans with
29 Disabilities Act, shall be eligible to be considered for state
30 financial aid while attending an eligible postsecondary
31 institution on a part-time basis. The State Board of Education

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1 shall establish the necessary criteria for documentation of
2 the student's disability and the postsecondary institution
3 shall make the determination as to whether or not the
4 disability is such that part-time status is a necessary
5 accommodation. For the purposes of this section, financial aid
6 funds may be prorated based on the number of credit hours
7 taken.

8 Section 415. Section 1009.42, Florida Statutes, is
9 created to read:

10 1009.42 Financial aid appeal process.--

11 (1) The State Board of Education shall adopt, by rule,
12 a procedure for the appeal of errors in eligibility
13 determinations, or failure to transfer awards between eligible
14 institutions, made by the Office of Student Financial
15 Assistance of the Department of Education, regarding
16 applicants' eligibility for receiving state student financial
17 aid awards. The procedure must provide for establishment of a
18 committee to consider appeals that are not resolved by other
19 administrative action. Each committee must be comprised of
20 four members appointed by the Commissioner of Education,
21 including one representative of the Office of Student
22 Financial Assistance; two practicing financial aid
23 administrators from public or private postsecondary
24 institutions in this state, one of whom must be from an
25 institution other than one to which the applicant is seeking
26 admission; and one student enrolled in a public postsecondary
27 institution in this state, nominated by the Florida Student
28 Association. An applicant for state student financial aid who
29 believes an error has been made in determining eligibility for
30 student financial assistance or who believes the department
31 has failed to transfer an award between eligible institutions

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1 may appeal the decision in writing to the Office of Student
2 Financial Assistance. The Office of Student Financial
3 Assistance shall investigate the complaint and take
4 appropriate action within 30 days after its receipt of the
5 appeal. If the student wishes further review of the appeal,
6 the Office of Student Financial Assistance shall forward the
7 appeal to the committee. Within 30 days after the receipt of a
8 request for a hearing, a final decision shall be rendered by
9 the committee established under this section, and a copy of
10 the decision shall be provided to the applicant. The decision
11 rendered by the committee constitutes final agency action. A
12 description of the financial aid appeals process shall be
13 included in the application form for each state student
14 financial aid program.

15 (2) The president of each state university and each
16 community college shall establish a procedure for appeal, by
17 students, of grievances related to the award or administration
18 of financial aid at the institution.

19 (3) A student involved in a financial aid appeal
20 proceeding is eligible for a deferral of registration and fee
21 payments pursuant to s. 1009.27.

22 Section 416. Section 1009.43, Florida Statutes, is
23 created to read:

24 1009.43 State student financial assistance;
25 authorization for use in program of study in another state or
26 foreign country.--A student who is enrolled in a public or
27 private postsecondary educational institution in this state
28 may apply state student financial assistance towards the cost
29 of a program of study in another state or a foreign country
30 for a period of up to 1 year, if the program of study is
31 offered or promoted by the Florida institution as an integral

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1 part of the academic studies of that degree-seeking student or
2 as a program that would enhance the student's academic
3 experience. This program must be approved by the president of
4 the institution in this state or by his or her designee;
5 however, private, postsecondary Florida institutions with
6 out-of-state subsidiary institutions are not authorized to
7 make Florida residents attending their out-of-state subsidiary
8 institutions eligible for Florida financial assistance.

9 Section 417. Section 1009.44, Florida Statutes, is
10 created to read:

11 1009.44 Need-based financial aid; no preference to
12 students receiving other aid.--From the funds collected by
13 state universities and community colleges as a financial aid
14 fee and from other funds appropriated by the Legislature for
15 financial aid from the Educational Enhancement Trust Fund,
16 institutions shall expend those moneys designated as
17 need-based financial aid with no preference given to students
18 who also qualify for merit-based or other financial aid
19 awards.

20 Section 418. Part III.b. of chapter 1009, Florida
21 Statutes, shall be entitled "Scholarships, Grants, and Other
22 Aid" and shall consist of ss. 1009.50-1009.89.

23 Section 419. Section 1009.50, Florida Statutes, is
24 created to read:

25 1009.50 Florida Public Student Assistance Grant
26 Program; eligibility for grants.--

27 (1) There is hereby created a Florida Public Student
28 Assistance Grant Program. The program shall be administered by
29 the participating institutions in accordance with rules of the
30 state board.

31 (2)(a) State student assistance grants through the

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1 program may be made only to full-time degree-seeking students
2 who meet the general requirements for student eligibility as
3 provided in s. 1009.40, except as otherwise provided in this
4 section. The grants shall be awarded annually for the amount
5 of demonstrated unmet need for the cost of education and may
6 not exceed an amount equal to the average prior academic year
7 cost of tuition fees and other registration fees for 30 credit
8 hours at state universities or such other amount as specified
9 in the General Appropriations Act, to any recipient. A
10 demonstrated unmet need of less than \$200 shall render the
11 applicant ineligible for a state student assistance grant.
12 Recipients of the grants must have been accepted at a state
13 university or community college authorized by Florida law. No
14 student may receive an award for more than the equivalent of 9
15 semesters or 14 quarters of full-time enrollment, except as
16 otherwise provided in s. 1009.40(3).

17 (b) A student applying for a Florida public student
18 assistance grant shall be required to apply for the Pell
19 Grant. The Pell Grant entitlement shall be considered when
20 conducting an assessment of the financial resources available
21 to each student.

22 (c) Priority in the distribution of grant moneys shall
23 be given to students with the lowest total family resources,
24 in accordance with a nationally recognized system of need
25 analysis. Using the system of need analysis, the department
26 shall establish a maximum expected family contribution. An
27 institution may not make a grant from this program to a
28 student whose expected family contribution exceeds the level
29 established by the department. An institution may not impose
30 additional criteria to determine a student's eligibility to
31 receive a grant award.

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1 (d) Each participating institution shall report, to
2 the department by the established date, the eligible students
3 to whom grant moneys are disbursed each academic term. Each
4 institution shall also report to the department necessary
5 demographic and eligibility data for such students.

6 (3) Based on the unmet financial need of an eligible
7 applicant, the amount of a Florida public student assistance
8 grant must be between \$200 and the weighted average of the
9 cost of tuition and other registration fees for 30 credit
10 hours at state universities per academic year or the amount
11 specified in the General Appropriations Act.

12 (4)(a) The funds appropriated for the Florida Public
13 Student Assistance Grant shall be distributed to eligible
14 institutions in accordance with a formula approved by the
15 State Board of Education. The formula shall consider at least
16 the prior year's distribution of funds, the number of
17 full-time eligible applicants who did not receive awards, the
18 standardization of the expected family contribution, and
19 provisions for unused funds.

20 (b) Payment of Florida public student assistance
21 grants shall be transmitted to the president of the state
22 university or community college, or to his or her
23 representative, in advance of the registration period.
24 Institutions shall notify students of the amount of their
25 awards.

26 (c) The eligibility status of each student to receive
27 a disbursement shall be determined by each institution as of
28 the end of its regular registration period, inclusive of a
29 drop-add period. Institutions shall not be required to
30 reevaluate a student's eligibility status after this date for
31 purposes of changing eligibility determinations previously

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1 made.

2 (d) Institutions shall certify to the department the
3 amount of funds disbursed to each student and shall remit to
4 the department any undisbursed advances by June 1 of each
5 year.

6 (5) Funds appropriated by the Legislature for state
7 student assistance grants shall be deposited in the State
8 Student Financial Assistance Trust Fund. Notwithstanding the
9 provisions of s. 216.301 and pursuant to s. 216.351, any
10 balance in the trust fund at the end of any fiscal year that
11 has been allocated to the Florida Public Student Assistance
12 Grant Program shall remain therein and shall be available for
13 carrying out the purposes of this section.

14 (6) The State Board of Education shall establish rules
15 necessary to implement this section.

16 Section 420. Section 1009.51, Florida Statutes, is
17 created to read:

18 1009.51 Florida Private Student Assistance Grant
19 Program; eligibility for grants.--

20 (1) There is created a Florida Private Student
21 Assistance Grant Program. The program shall be administered by
22 the participating institutions in accordance with rules of the
23 State Board of Education.

24 (2)(a) Florida private student assistance grants from
25 the State Student Financial Assistance Trust Fund may be made
26 only to full-time degree-seeking students who meet the general
27 requirements for student eligibility as provided in s.
28 1009.40, except as otherwise provided in this section. Such
29 grants shall be awarded for the amount of demonstrated unmet
30 need for tuition and fees and may not exceed an amount equal
31 to the average tuition and other registration fees for 30

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1 credit hours at state universities plus \$1,000 per academic
2 year, or as specified in the General Appropriations Act, to
3 any applicant. A demonstrated unmet need of less than \$200
4 shall render the applicant ineligible for a Florida private
5 student assistance grant. Recipients of such grants must have
6 been accepted at a baccalaureate-degree-granting independent
7 nonprofit college or university, which is accredited by the
8 Commission on Colleges of the Southern Association of Colleges
9 and Schools and which is located in and chartered as a
10 domestic corporation by the state. No student may receive an
11 award for more than the equivalent of 9 semesters or 14
12 quarters of full-time enrollment, except as otherwise provided
13 in s. 1009.40(3).

14 (b) A student applying for a Florida private student
15 assistance grant shall be required to apply for the Pell
16 Grant. The Pell Grant entitlement shall be considered when
17 conducting an assessment of the financial resources available
18 to each student.

19 (c) Priority in the distribution of grant moneys shall
20 be given to students with the lowest total family resources,
21 in accordance with a nationally recognized system of need
22 analysis. Using the system of need analysis, the department
23 shall establish a maximum expected family contribution. An
24 institution may not make a grant from this program to a
25 student whose expected family contribution exceeds the level
26 established by the department. An institution may not impose
27 additional criteria to determine a student's eligibility to
28 receive a grant award.

29 (d) Each participating institution shall report, to
30 the department by the established date, the eligible students
31 to whom grant moneys are disbursed each academic term. Each

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1 institution shall also report to the department necessary
2 demographic and eligibility data for such students.

3 (3) Based on the unmet financial need of an eligible
4 applicant, the amount of a Florida private student assistance
5 grant must be between \$200 and the average cost of tuition and
6 other registration fees for 30 credit hours at state
7 universities plus \$1,000 per academic year or the amount
8 specified in the General Appropriations Act.

9 (4)(a) The funds appropriated for the Florida Private
10 Student Assistance Grant shall be distributed to eligible
11 institutions in accordance with a formula approved by the
12 State Board of Education. The formula shall consider at least
13 the prior year's distribution of funds, the number of
14 full-time eligible applicants who did not receive awards, the
15 standardization of the expected family contribution, and
16 provisions for unused funds.

17 (b) Payment of Florida private student assistance
18 grants shall be transmitted to the president of the college or
19 university, or to his or her representative, in advance of the
20 registration period. Institutions shall notify students of the
21 amount of their awards.

22 (c) The eligibility status of each student to receive
23 a disbursement shall be determined by each institution as of
24 the end of its regular registration period, inclusive of a
25 drop-add period. Institutions shall not be required to
26 reevaluate a student's eligibility status after this date for
27 purposes of changing eligibility determinations previously
28 made.

29 (d) Institutions shall certify to the department the
30 amount of funds disbursed to each student and shall remit to
31 the department any undisbursed advances by June 1 of each

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1 year.

2 (e) Each institution that receives moneys through the
3 Florida Private Student Assistance Grant Program shall prepare
4 a biennial report that includes a financial audit, conducted
5 by an independent certified public accountant, of the
6 institution's administration of the program and a complete
7 accounting of moneys in the State Student Financial Assistance
8 Trust Fund allocated to the institution for the program. Such
9 report shall be submitted to the department by March 1 every
10 other year. The department may conduct its own annual or
11 biennial audit of an institution's administration of the
12 program and its allocated funds in lieu of the required
13 biennial report and financial audit report. The department may
14 suspend or revoke an institution's eligibility to receive
15 future moneys from the trust fund for the program or request a
16 refund of any moneys overpaid to the institution through the
17 trust fund for the program if the department finds that an
18 institution has not complied with the provisions of this
19 section. Any refund requested pursuant to this paragraph shall
20 be remitted within 60 days.

21 (5) Funds appropriated by the Legislature for Florida
22 private student assistance grants shall be deposited in the
23 State Student Financial Assistance Trust Fund. Notwithstanding
24 the provisions of s. 216.301 and pursuant to s. 216.351, any
25 balance in the trust fund at the end of any fiscal year that
26 has been allocated to the Florida Private Student Assistance
27 Grant Program shall remain therein and shall be available for
28 carrying out the purposes of this section and as otherwise
29 provided by law.

30 (6) The State Board of Education shall adopt rules
31 necessary to implement this section.

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1 Section 421. Section 1009.52, Florida Statutes, is
2 created to read:

3 1009.52 Florida Postsecondary Student Assistance Grant
4 Program; eligibility for grants.--

5 (1) There is created a Florida Postsecondary Student
6 Assistance Grant Program. The program shall be administered by
7 the participating institutions in accordance with rules of the
8 State Board of Education.

9 (2)(a) Florida postsecondary student assistance grants
10 through the State Student Financial Assistance Trust Fund may
11 be made only to full-time degree-seeking students who meet the
12 general requirements for student eligibility as provided in s.
13 1009.40, except as otherwise provided in this section. Such
14 grants shall be awarded for the amount of demonstrated unmet
15 need for tuition and fees and may not exceed an amount equal
16 to the average prior academic year cost of tuition and other
17 registration fees for 30 credit hours at state universities
18 plus \$1,000 per academic year, or as specified in the General
19 Appropriations Act, to any applicant. A demonstrated unmet
20 need of less than \$200 shall render the applicant ineligible
21 for a Florida postsecondary student assistance grant.
22 Recipients of such grants must have been accepted at a
23 postsecondary institution that is located in the state and
24 that is:

25 1. A private nursing diploma school approved by the
26 Florida Board of Nursing; or

27 2. A college or university licensed by the Commission
28 for Independent Education, excluding those institutions the
29 students of which are eligible to receive a Florida private
30 student assistance grant pursuant to s. 1009.51.

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1 No student may receive an award for more than the equivalent
2 of 9 semesters or 14 quarters of full-time enrollment, except
3 as otherwise provided in s. 1009.40(3).

4 (b) A student applying for a Florida postsecondary
5 student assistance grant shall be required to apply for the
6 Pell Grant. The Pell Grant entitlement shall be considered
7 when conducting an assessment of the financial resources
8 available to each student.

9 (c) Priority in the distribution of grant moneys shall
10 be given to students with the lowest total family resources,
11 in accordance with a nationally recognized system of need
12 analysis. Using the system of need analysis, the department
13 shall establish a maximum expected family contribution. An
14 institution may not make a grant from this program to a
15 student whose expected family contribution exceeds the level
16 established by the department. An institution may not impose
17 additional criteria to determine a student's eligibility to
18 receive a grant award.

19 (d) Each participating institution shall report, to
20 the department by the established date, the eligible students
21 to whom grant moneys are disbursed each academic term. Each
22 institution shall also report to the department necessary
23 demographic and eligibility data for such students.

24 (3) Based on the unmet financial need of an eligible
25 applicant, the amount of a Florida postsecondary student
26 assistance grant must be between \$200 and the average cost of
27 tuition and other registration fees for 30 credit hours at
28 state universities plus \$1,000 per academic year or the amount
29 specified in the General Appropriations Act.

30 (4)(a) The funds appropriated for the Florida
31 Postsecondary Student Assistance Grant shall be distributed to

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1 eligible institutions in accordance with a formula approved by
2 the State Board of Education. The formula shall consider at
3 least the prior year's distribution of funds, the number of
4 full-time eligible applicants who did not receive awards, the
5 standardization of the expected family contribution, and
6 provisions for unused funds.

7 (b) Payment of Florida postsecondary student
8 assistance grants shall be transmitted to the president of the
9 eligible institution, or to his or her representative, in
10 advance of the registration period. Institutions shall notify
11 students of the amount of their 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 (e) Each institution that receives moneys through the
24 Florida Postsecondary Student Assistance Grant Program shall
25 prepare a biennial report that includes a financial audit,
26 conducted by an independent certified public accountant, of
27 the institution's administration of the program and a complete
28 accounting of moneys in the State Student Financial Assistance
29 Trust Fund allocated to the institution for the program. Such
30 report shall be submitted to the department by March 1 every
31 other year. The department may conduct its own annual or

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1 biennial audit of an institution's administration of the
2 program and its allocated funds in lieu of the required
3 biennial report and financial audit report. The department may
4 suspend or revoke an institution's eligibility to receive
5 future moneys from the trust fund for the program or request a
6 refund of any moneys overpaid to the institution through the
7 trust fund for the program if the department finds that an
8 institution has not complied with the provisions of this
9 section. Any refund requested pursuant to this paragraph
10 shall be remitted within 60 days.

11 (5) Any institution that was eligible to receive state
12 student assistance grants on January 1, 1989, and that is not
13 eligible to receive grants pursuant to s. 1009.51 is eligible
14 to receive grants pursuant to this section.

15 (6) Funds appropriated by the Legislature for Florida
16 postsecondary student assistance grants shall be deposited in
17 the State Student Financial Assistance Trust Fund.
18 Notwithstanding the provisions of s. 216.301 and pursuant to
19 s. 216.351, any balance in the trust fund at the end of any
20 fiscal year that has been allocated to the Florida
21 Postsecondary Student Assistance Grant Program shall remain
22 therein and shall be available for carrying out the purposes
23 of this section and as otherwise provided by law.

24 (7) The State Board of Education shall adopt rules
25 necessary to implement this section.

26 Section 422. Section 1009.53, Florida Statutes, is
27 created to read:

28 1009.53 Florida Bright Futures Scholarship Program.--

29 (1) The Florida Bright Futures Scholarship Program is
30 created to establish a lottery-funded scholarship program to
31 reward any Florida high school graduate who merits recognition

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1 of high academic achievement and who enrolls in a degree
2 program, certificate program, or applied technology program at
3 an eligible Florida public or private postsecondary education
4 institution within 3 years of graduation from high school.

5 (2) The Bright Futures Scholarship Program consists of
6 three types of awards: the Florida Academic Scholarship, the
7 Florida Medallion Scholarship, and the Florida Gold Seal
8 Vocational Scholarship.

9 (3) The Department of Education shall administer the
10 Bright Futures Scholarship Program according to rules and
11 procedures established by the State Board of Education. A
12 single application must be sufficient for a student to apply
13 for any of the three types of awards. The department must
14 advertise the availability of the scholarship program and must
15 notify students, teachers, parents, guidance counselors, and
16 principals or other relevant school administrators of the
17 criteria and application procedures. The department must begin
18 this process of notification no later than January 1 of each
19 year.

20 (4) Funding for the Bright Futures Scholarship Program
21 must be allocated from the Education Enhancement Trust Fund
22 and must be provided before allocations from that fund are
23 calculated for disbursement to other educational entities.

24 (a) If funds appropriated are not adequate to provide
25 the maximum allowable award to each eligible applicant, awards
26 in all three components of the program must be prorated using
27 the same percentage reduction.

28 (b) Notwithstanding s. 216.301, if all funds allocated
29 to the Bright Futures Scholarship Program are not used in any
30 fiscal year, up to 10 percent of the total allocation may be
31 carried forward and used for awards in the following year.

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1 (5) The department shall issue awards from the
2 scholarship program annually. Annual awards may be for up to
3 45 semester credit hours or the equivalent. Before the
4 registration period each semester, the department shall
5 transmit payment for each award to the president or director
6 of the postsecondary education institution, or his or her
7 representative, except that the department may withhold
8 payment if the receiving institution fails to report or to
9 make refunds to the department as required in this section.

10 (a) Within 30 days after the end of regular
11 registration each semester, the educational institution shall
12 certify to the department the eligibility status of each
13 student who receives an award. After the end of the drop and
14 add period, an institution is not required to reevaluate or
15 revise a student's eligibility status, but must make a refund
16 to the department if a student who receives an award
17 disbursement terminates enrollment for any reason during an
18 academic term and a refund is permitted by the institution's
19 refund policy.

20 (b) An institution that receives funds from the
21 program shall certify to the department the amount of funds
22 disbursed to each student and shall remit to the department
23 any undisbursed advances within 60 days after the end of
24 regular registration.

25 (c) Each institution that receives moneys through this
26 program shall prepare an annual report that includes an annual
27 financial audit, conducted by an independent certified public
28 accountant or the Auditor General. The report shall include an
29 audit of the institution's administration of the program and a
30 complete accounting of the moneys for the program. This report
31 must be submitted to the department annually by March 1. The

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1 department may conduct its own annual audit of an
2 institution's administration of the program. The department
3 may request a refund of any moneys overpaid to the institution
4 for the program. The department may suspend or revoke an
5 institution's eligibility to receive future moneys for the
6 program if the department finds that an institution has not
7 complied with this section. The institution must remit within
8 60 days any refund requested in accordance with this
9 subsection.

10 (6) A student enrolled in 6 to 8 semester credit hours
11 may receive up to one-half of the maximum award; a student
12 enrolled in 9 to 11 credit hours may receive up to
13 three-fourths of the maximum award; and a student enrolled in
14 12 or more credit hours may receive up to the full award.

15 (7) A student may receive only one type of award from
16 the Florida Bright Futures Scholarship Program at a time, but
17 may transfer from one type of award to another through the
18 renewal application process, if the student's eligibility
19 status changes. However, a student is not eligible to transfer
20 from a Florida Medallion Scholarship or a Florida Gold Seal
21 Vocational Scholarship to a Florida Academic Scholarship. A
22 student who receives an award from the program may also
23 receive a federal family education loan or a federal direct
24 loan, and the value of the award must be considered in the
25 certification or calculation of the student's loan
26 eligibility.

27 (8) If a recipient transfers from one eligible
28 institution to another and continues to meet eligibility
29 requirements, the award must be transferred with the student.

30 (9) A student may use an award for summer term
31 enrollment if funds are available.

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1 (10) Funds from any scholarship within the Florida
2 Bright Futures Scholarship Program may not be used to pay for
3 remedial or college-preparatory coursework.

4 Section 423. Section 1009.531, Florida Statutes, is
5 created to read:

6 1009.531 Florida Bright Futures Scholarship Program;
7 student eligibility requirements for initial awards.--

8 (1) To be eligible for an initial award from any of
9 the three types of scholarships under the Florida Bright
10 Futures Scholarship Program, a student must:

11 (a) Be a Florida resident as defined in s. 1009.40 and
12 rules of the State Board of Education.

13 (b) Earn a standard Florida high school diploma or its
14 equivalent as described in s. 1003.43 or s. 1003.45 unless:

15 1. The student is enrolled full time in the early
16 admission program of an eligible postsecondary education
17 institution or completes a home education program according to
18 s. 1002.41; or

19 2. The student earns a high school diploma from a
20 non-Florida school while living with a parent or guardian who
21 is on military or public service assignment away from Florida.

22 (c) Be accepted by and enroll in an eligible Florida
23 public or independent postsecondary education institution.

24 (d) Be enrolled for at least 6 semester credit hours
25 or the equivalent in quarter hours or clock hours.

26 (e) Not have been found guilty of, or plead nolo
27 contendere to, a felony charge, unless the student has been
28 granted clemency by the Governor and Cabinet sitting as the
29 Executive Office of Clemency.

30 (f) Apply for a scholarship from the program by high
31 school graduation.

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1 (2) A student is eligible to accept an initial award
2 for 3 years following high school graduation and to accept a
3 renewal award for 7 years following high school graduation. A
4 student who applies for an award by high school graduation and
5 who meets all other eligibility requirements, but who does not
6 accept his or her award, may reapply during subsequent
7 application periods up to 3 years after high school
8 graduation.

9 (3) For purposes of calculating the grade point
10 average to be used in determining initial eligibility for a
11 Florida Bright Futures scholarship, the department shall
12 assign additional weights to grades earned in the following
13 courses:

14 (a) Courses identified in the course code directory as
15 Advanced Placement, pre-International Baccalaureate, or
16 International Baccalaureate.

17 (b) Courses designated as academic dual enrollment
18 courses in the statewide course numbering system.

19
20 The department may assign additional weights to courses, other
21 than those described in paragraphs (a) and (b), that are
22 identified by the Department of Education as containing
23 rigorous academic curriculum and performance standards. The
24 additional weight assigned to a course pursuant to this
25 subsection shall not exceed 0.5 per course. The weighted
26 system shall be developed and distributed to all high schools
27 in the state prior to January 1, 1998. The department may
28 determine a student's eligibility status during the senior
29 year before graduation and may inform the student of the award
30 at that time.

31 (4) Each school district shall annually provide to

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1 each high school student a complete and accurate Florida
2 Bright Futures Scholarship Evaluation Report and Key. The
3 report shall be disseminated at the beginning of each school
4 year. The report must include all high school coursework
5 attempted, the number of credits earned toward each type of
6 award, and the calculation of the grade point average for each
7 award. The report must also identify all requirements not met
8 per award, including the grade point average requirement, as
9 well as identify the awards for which the student has met the
10 academic requirements. The student report cards must contain a
11 disclosure that the grade point average calculated for
12 purposes of the Florida Bright Futures Scholarship Program may
13 differ from the grade point average on the report card.

14 (5) A student who wishes to qualify for a particular
15 award within the Florida Bright Futures Scholarship Program,
16 but who does not meet all of the requirements for that level
17 of award, may, nevertheless, receive the award if the
18 principal of the student's school or the district
19 superintendent verifies that the deficiency is caused by the
20 fact that school district personnel provided inaccurate or
21 incomplete information to the student. The school district
22 must provide a means for the student to correct the
23 deficiencies and the student must correct them, either by
24 completing comparable work at the postsecondary institution or
25 by completing a directed individualized study program
26 developed and administered by the school district. If the
27 student does not complete the requirements by December 31
28 immediately following high school graduation, the student is
29 ineligible to participate in the program.

30 Section 424. Section 1009.532, Florida Statutes, is
31 created to read:

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1 1009.532 Florida Bright Futures Scholarship Program;
2 student eligibility requirements for renewal awards.--

3 (1) To be eligible to renew a scholarship from any of
4 the three types of scholarships under the Florida Bright
5 Futures Scholarship Program, a student must:

6 (a) Complete at least 12 semester credit hours or the
7 equivalent in the last academic year in which the student
8 earned a scholarship.

9 (b) Maintain the cumulative grade point average
10 required by the scholarship program, except that:

11 1. If a recipient's grades fall beneath the average
12 required to renew a Florida Academic Scholarship, but are
13 sufficient to renew a Florida Medallion Scholarship or a
14 Florida Gold Seal Vocational Scholarship, the Department of
15 Education may grant a renewal from one of those other
16 scholarship programs, if the student meets the renewal
17 eligibility requirements; or

18 2. If, at any time during the eligibility period, a
19 student's grades are insufficient to renew the scholarship,
20 the student may restore eligibility by improving the grade
21 point average to the required level. A student is eligible for
22 such a reinstatement only once. The Legislature encourages
23 education institutions to assist students to calculate whether
24 or not it is possible to raise the grade point average during
25 the summer term. If the institution determines that it is
26 possible, the education institution may so inform the
27 department, which may reserve the student's award if funds are
28 available. The renewal, however, must not be granted until the
29 student achieves the required cumulative grade point average.
30 If the summer term is not sufficient to raise the grade point
31 average to the required renewal level, the student's next

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1 opportunity for renewal is the fall semester of the following
2 academic year.

3 (2) A student who is enrolled in a program that
4 terminates in an associate degree or a baccalaureate degree
5 may receive an award for a maximum of 110 percent of the
6 number of credit hours required to complete the program. A
7 student who is enrolled in a program that terminates in a
8 technical certificate may receive an award for a maximum of
9 110 percent of the credit hours or clock hours required to
10 complete the program up to 90 credit hours. A student who
11 transfers from one of these program levels to another becomes
12 eligible for the higher of the two credit hour limits.

13 Section 425. Section 1009.533, Florida Statutes, is
14 created to read:

15 1009.533 Florida Bright Futures Scholarship Program;
16 eligible postsecondary education institutions.--A student is
17 eligible for an award or the renewal of an award from the
18 Florida Bright Futures Scholarship Program if the student
19 meets the requirements for the program as described in this
20 act and is enrolled in a postsecondary education institution
21 that meets the description in any one of the following
22 subsections:

23 (1) A Florida public university, community college, or
24 technical center.

25 (2) An independent Florida college or university that
26 is accredited by an accrediting association whose standards
27 are comparable to the minimum standards required to operate an
28 institution at that level in Florida, as determined by rules
29 of the Commission for Independent Education, and which has
30 operated in the state for at least 3 years.

31 (3) An independent Florida postsecondary education

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1 institution that is licensed by the Commission for Independent
2 Education and that:

3 (a) Is authorized to grant degrees;
4 (b) Shows evidence of sound financial condition; and
5 (c) Has operated in the state for at least 3 years
6 without having its approval, accreditation, or license placed
7 on probation.

8 (4) A Florida independent postsecondary education
9 institution that offers a nursing diploma approved by the
10 Board of Nursing.

11 (5) A Florida independent postsecondary education
12 institution that is licensed by the Commission for Independent
13 Education and which:

14 (a) Is authorized to award certificates, diplomas, or
15 credentials other than degrees;

16 (b) Has a program completion and placement rate of at
17 least the rate required by the current Florida Statutes, the
18 Florida Administrative Code, or the Department of Education
19 for an institution at its level; and

20 (c) Shows evidence of sound financial condition; and
21 either:

22 1. Is accredited at the institutional level by an
23 accrediting agency recognized by the United States Department
24 of Education and has operated in the state for at least 3
25 years during which there has been no complaint for which
26 probable cause has been found; or

27 2. Has operated in Florida for 5 years during which
28 there has been no complaint for which probable cause has been
29 found.

30 Section 426. Section 1009.534, Florida Statutes, is
31 created to read:

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1 1009.534 Florida Academic Scholars award.--

2 (1) A student is eligible for a Florida Academic
3 Scholars award if the student meets the general eligibility
4 requirements for the Florida Bright Futures Scholarship
5 Program and the student:

6 (a) Has achieved a 3.5 weighted grade point average as
7 calculated pursuant to s. 1009.531, or its equivalent, in high
8 school courses that are designated by the State Board of
9 Education as college-preparatory academic courses; and has
10 attained at least the score identified by rules of the State
11 Board of Education on the combined verbal and quantitative
12 parts of the Scholastic Aptitude Test, the Scholastic
13 Assessment Test, or the recentered Scholastic Assessment Test
14 of the College Entrance Examination, or an equivalent score on
15 the ACT Assessment Program; or

16 (b) Has attended a home education program according to
17 s. 1002.41 during grades 11 and 12 or has completed the
18 International Baccalaureate curriculum but failed to earn the
19 International Baccalaureate Diploma, and has attained at least
20 the score identified by rules of the Department of Education
21 on the combined verbal and quantitative parts of the
22 Scholastic Aptitude Test, the Scholastic Assessment Test, or
23 the recentered Scholastic Assessment Test of the College
24 Entrance Examination, or an equivalent score on the ACT
25 Assessment Program; or

26 (c) Has been awarded an International Baccalaureate
27 Diploma from the International Baccalaureate Office; or

28 (d) Has been recognized by the merit or achievement
29 programs of the National Merit Scholarship Corporation as a
30 scholar or finalist; or

31 (e) Has been recognized by the National Hispanic

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1 Recognition Program as a scholar recipient.

2

3 A student must complete a program of community service work,
4 as approved by the district school board or the administrators
5 of a nonpublic school, which shall include a minimum of 75
6 hours of service work and require the student to identify a
7 social problem that interests him or her, develop a plan for
8 his or her personal involvement in addressing the problem,
9 and, through papers or other presentations, evaluate and
10 reflect upon his or her experience.

11 (2) A Florida Academic Scholar who is enrolled in a
12 public postsecondary education institution is eligible for an
13 award equal to the amount required to pay tuition, fees, and
14 \$600 for college-related expenses annually. A student who is
15 enrolled in a nonpublic postsecondary education institution is
16 eligible for an award equal to the amount that would be
17 required to pay for the average tuition and fees of a public
18 postsecondary education institution at the comparable level,
19 plus the annual \$600.

20 (3) To be eligible for a renewal award as a Florida
21 Academic Scholar, a student must maintain the equivalent of a
22 cumulative grade point average of 3.0 on a 4.0 scale with an
23 opportunity for one reinstatement as provided in this chapter.

24 (4) In each school district, the Florida Academic
25 Scholar with the highest academic ranking shall receive an
26 additional award of \$1,500 for college-related expenses. This
27 award must be funded from the Florida Bright Futures
28 Scholarship Program.

29 Section 427. Section 1009.535, Florida Statutes, is
30 created to read:

31 1009.535 Florida Medallion Scholars award.--

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1 (1) A student is eligible for a Florida Medallion
2 Scholars award if the student meets the general eligibility
3 requirements for the Florida Bright Futures Scholarship
4 Program and the student:

5 (a) Has achieved a weighted grade point average of 3.0
6 as calculated pursuant to s. 1009.531, or the equivalent, in
7 high school courses that are designated by the State Board of
8 Education as college-preparatory academic courses; and has
9 attained at least the score identified by rules of the State
10 Board of Education on the combined verbal and quantitative
11 parts of the Scholastic Aptitude Test, the Scholastic
12 Assessment Test, or the recentered Scholastic Assessment Test
13 of the College Entrance Examination, or an equivalent score on
14 the ACT Assessment Program; or

15 (b) Has attended a home education program according to
16 s. 1002.41 during grades 11 and 12 or has completed the
17 International Baccalaureate curriculum but failed to earn the
18 International Baccalaureate Diploma, and has attained at least
19 the score identified by rules of the Department of Education
20 on the combined verbal and quantitative parts of the
21 Scholastic Aptitude Test, the Scholastic Assessment Test, or
22 the recentered Scholastic Assessment Test of the College
23 Entrance Examination, or an equivalent score on the ACT
24 Assessment Program; or

25 (c) Has been recognized by the merit or achievement
26 program of the National Merit Scholarship Corporation as a
27 scholar or finalist but has not completed a program of
28 community service as provided in s. 1009.534; or

29 (d) Has been recognized by the National Hispanic
30 Recognition Program as a scholar, but has not completed a
31 program of community service as provided in s. 1009.534.

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1 (2) A Florida Medallion Scholar is eligible for an
2 award equal to the amount required to pay 75 percent of
3 tuition and fees, if the student is enrolled in a public
4 postsecondary education institution. A student who is enrolled
5 in a nonpublic postsecondary education institution is eligible
6 for an award equal to the amount that would be required to pay
7 75 percent of the tuition and fees of a public postsecondary
8 education institution at the comparable level.

9 (3) To be eligible for a renewal award as a Florida
10 Medallion Scholar, a student must maintain the equivalent of a
11 cumulative grade point average of 2.75 on a 4.0 scale with an
12 opportunity for reinstatement one time as provided in this
13 chapter.

14 Section 428. Section 1009.536, Florida Statutes, is
15 created to read:

16 1009.536 Florida Gold Seal Vocational Scholars
17 award.--The Florida Gold Seal Vocational Scholars award is
18 created within the Florida Bright Futures Scholarship Program
19 to recognize and reward academic achievement and career and
20 technical preparation by high school students who wish to
21 continue their education.

22 (1) A student is eligible for a Florida Gold Seal
23 Vocational Scholars award if the student meets the general
24 eligibility requirements for the Florida Bright Futures
25 Scholarship Program and the student:

26 (a) Completes the secondary school portion of a
27 sequential program of studies that requires at least three
28 secondary school career and technical credits taken over at
29 least 2 academic years, and is continued in a planned, related
30 postsecondary education program. If the student's school does
31 not offer such a two-plus-two or tech-prep program, the

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1 student must complete a job-preparatory career education
2 program selected by the Workforce Estimating Conference or
3 Workforce Florida, Inc., for its ability to provide high-wage
4 employment in an occupation with high potential for employment
5 opportunities. On-the-job training may not be substituted for
6 any of the three required career and technical credits.

7 (b) Demonstrates readiness for postsecondary education
8 by earning a passing score on the Florida College Entry Level
9 Placement Test or its equivalent as identified by the
10 Department of Education.

11 (c) Earns a minimum cumulative weighted grade point
12 average of 3.0, as calculated pursuant to s. 1009.531, on all
13 subjects required for a standard high school diploma,
14 excluding elective courses.

15 (d) Earns a minimum unweighted grade point average of
16 3.5 on a 4.0 scale for secondary career and technical courses
17 comprising the career and technical program.

18 (2) A Florida Gold Seal Vocational Scholar is eligible
19 for an award equal to the amount required to pay 75 percent of
20 tuition and fees, if the student is enrolled in a public
21 postsecondary education institution. A student who is enrolled
22 in a nonpublic postsecondary education institution is eligible
23 for an award equal to the amount that would be required to pay
24 75 percent of the tuition and mandatory fees of a public
25 postsecondary education institution at the comparable level.

26 (3) To be eligible for a renewal award as a Florida
27 Gold Seal Vocational Scholar, a student must maintain the
28 equivalent of a cumulative grade point average of 2.75 on a
29 4.0 scale with an opportunity for reinstatement one time as
30 provided in this chapter.

31 (4) A student may earn a Florida Gold Seal Vocational

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1 Scholarship for 110 percent of the number of credit hours
2 required to complete the program, up to 90 credit hours or the
3 equivalent. A Florida Gold Seal Scholar who has a cumulative
4 grade point average of 2.75 in all postsecondary education
5 work attempted may apply for a Florida Medallion Scholars
6 award at any renewal period. All other provisions of that
7 program apply, and the credit-hour limitation must be
8 calculated by subtracting from the student's total eligibility
9 the number of credit hours the student attempted while earning
10 the Gold Seal Vocational Scholarship.

11 Section 429. Section 1009.537, Florida Statutes, is
12 created to read:

13 1009.537 Eligibility for the Florida Bright Futures
14 Scholarship Program; transition.--

15 (1) A student who graduates from high school in 1997
16 or earlier and who is eligible for the Florida Undergraduate
17 Scholar's Program pursuant to former s. 240.402 is eligible
18 for the Florida Academic Scholars award as provided in this
19 act. A student who graduates from high school in 1998 or 1999
20 is eligible for the Florida Academic Scholars award if the
21 student meets the criteria in s. 1009.534. However, in lieu of
22 satisfying the requirements set forth in s. 1009.534(1)(a), a
23 student may meet the following criteria:

24 (a) Complete a program of at least 24 credits in
25 advanced-level studies as prescribed by the State Board of
26 Education, including as a minimum:

27 1. Four years of progressively advanced instruction in
28 language arts, including courses in English composition and
29 literature.

30 2. Four years of progressively advanced instruction in
31 science, including laboratory courses in biology, chemistry,

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1 and physics where laboratory facilities are available.

2 3. Four years of progressively advanced instruction in
3 mathematics, including courses in algebra, geometry, and
4 calculus or trigonometry.

5 4. Two years of sequential foreign language.

6 5. One year of instruction in art and music or in
7 either art or music.

8 6. Three years of instruction in social studies,
9 including courses in American history and government, world
10 history, and comparative political and economic systems.

11 7. One year of instruction in health and physical
12 education to include assessment, improvement, and maintenance
13 of personal fitness.

14 (b) Obtain at least the equivalent of an unweighted
15 grade point average of 3.0 on a 4.0 scale for all courses
16 taken for which high school credit may be granted.

17 (c) Achieve a score of 1180 on the combined verbal and
18 quantitative parts of the Scholastic Aptitude Test, the
19 Scholastic Assessment Test, or the recentered Scholastic
20 Assessment Test of the College Entrance Examination, or an
21 equivalent score on the ACT Assessment Program or an
22 equivalent program.

23 (d) Complete a program of community service work, as
24 approved by the district school board or the administrators of
25 a nonpublic school, which shall include a minimum of 75 hours
26 of service work and require the student to identify a social
27 problem that interests him or her, develop a plan for his or
28 her personal involvement in addressing the problem, and,
29 through papers or other presentations, evaluate and reflect
30 upon his or her experience.

31

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1 Students who graduate from high school after 1999 must meet
2 the eligibility criteria pursuant to s. 1009.534.

3 (2) A student who graduates from high school in 1997
4 or earlier and who is eligible for the Florida Vocational Gold
5 Seal Endorsement Scholarship award pursuant to former s.
6 240.4021 is eligible for the Florida Gold Seal Vocational
7 Scholars award as provided in this act. A student who
8 graduates from high school in 1998 or 1999 is eligible for the
9 Florida Gold Seal Vocational Scholars award if the student
10 meets the criteria in s. 1009.536. However, in lieu of
11 satisfying the grade point average requirement set forth in s.
12 1009.536(1)(c), a student may earn a minimum cumulative
13 unweighted grade point average of 3.0 on a 4.0 scale on all
14 subjects required for a standard high school diploma. Students
15 who graduate from high school after 1999 must meet the
16 eligibility criteria pursuant to s. 1009.536.

17 (3) Effective for the 1997-1998 academic year, a
18 student is eligible for an initial award of a Florida Merit
19 Scholarship if the student:

20 (a)1. Is scheduled to graduate from high school in
21 1997;

22 2. Completes, or is enrolled in all courses required
23 to complete, the high school college-preparatory coursework
24 required in this act;

25 3. Achieves an unweighted grade point average of 3.0
26 on a 4.0 scale, or the equivalent, in high school courses that
27 are adopted by the Board of Regents and recommended by the
28 State Board of Community Colleges as college-preparatory
29 academic courses; and

30 4. Earns a score of 970 or above on the combined
31 verbal and quantitative parts of the recentered Scholastic

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1 Assessment Test of the College Entrance Examination, or an
2 equivalent score on the ACT Assessment Program; or

3 (b) Has completed a college-preparatory curriculum in
4 1997 through an approved home school program and has attained
5 a score of 970 on the combined verbal and quantitative parts
6 of the recentered Scholastic Assessment Test of the College
7 Entrance Examination, or an equivalent score on the ACT
8 Assessment Program. Eligibility shall be determined in the
9 same manner as for public school students. For students whose
10 parents are unable to document a college-preparatory
11 curriculum, a score of 1070 on the SAT, or equivalent score on
12 the ACT, shall be required for award eligibility.

13 Section 430. Section 1009.538, Florida Statutes, is
14 created to read:

15 1009.538 Bright Futures Scholarship recipients
16 attending nonpublic institutions; calculation of
17 awards.--Notwithstanding ss. 1009.53, 1009.534, 1009.535, and
18 1009.536, a student who receives any award under the Florida
19 Bright Futures Scholarship Program, who is enrolled in a
20 nonpublic postsecondary education institution, and who is
21 assessed tuition and fees that are the same as those of a
22 full-time student at that institution, shall receive a fixed
23 award calculated by using the average tuition and fee
24 calculation as prescribed by the Department of Education for
25 full-time attendance at a public postsecondary education
26 institution at the comparable level. If the student is
27 enrolled part-time and is assessed tuition and fees at a
28 reduced level, the award shall be either one-half of the
29 maximum award or three-fourths of the maximum award, depending
30 on the level of fees assessed.

31 Section 1009.5385, Florida Statutes, is created to

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1 read:

2 1009.5385 Use of certain scholarship funds by children
3 of deceased or disabled veterans.--The criteria for the use of
4 scholarship funds which apply to students under the Florida
5 Bright Futures Scholarship Program shall also apply to the
6 children of deceased or disabled veterans who receive
7 scholarships under chapter 295.

8 Section 431. Section 1009.539, Florida Statutes, is
9 created to read:

10 1009.539 Florida Bright Futures Scholarship Testing
11 Program.--

12 (1) The State Board of Education shall identify the
13 minimum scores, maximum credit, and course or courses for
14 which credit is to be awarded for each College Level
15 Examination Program (CLEP) general examination, CLEP subject
16 examination, College Board Advanced Placement Program
17 examination, and International Baccalaureate examination. In
18 addition, the State Board of Education shall identify such
19 courses in the general education core curriculum of each state
20 university and community college.

21 (2) Each community college and state university must
22 award credit for specific courses for which competency has
23 been demonstrated by successful passage of one of these
24 examinations unless the award of credit duplicates credit
25 already awarded. Community colleges and universities may not
26 exempt students from courses without the award of credit if
27 competencies have been so demonstrated. If a student achieves
28 a passing score as identified by the State Board of Education
29 on an examination required by this section, the student shall
30 receive credit equivalent to successfully completing the
31 equivalent course as identified by the State Board of

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1 Education in a state university or community college, provided
2 that such credit is not duplicative of credit already earned
3 by the student.

4 (3) Students eligible for a Florida Academic Scholars
5 award or a Florida Medallion Scholars award who are admitted
6 to and enroll in a community college or state university
7 shall, prior to registering for courses that may be earned
8 through a CLEP examination and no later than registration for
9 their second term, complete at least five examinations from
10 those specified in subsection (1) in the following areas:
11 English; humanities; mathematics; natural sciences; and social
12 sciences. Successful completion of dual enrollment courses,
13 Advanced Placement examinations, and International
14 Baccalaureate examinations taken prior to high school
15 graduation satisfy this requirement. The State Board of
16 Education shall identify the examinations that satisfy each
17 component of this requirement.

18 (4) Each community college and state university shall
19 pay for the CLEP examinations required pursuant to this
20 section from the funds appropriated from the Educational
21 Enhancement Trust Fund. Institutions shall pay no more than
22 \$46 per examination for the program, which shall include
23 access to a student guide to prepare for the test. The
24 Department of Education shall negotiate with the College Board
25 for a reduced rate for the examinations. The institution shall
26 not charge the student for preparation and administration of
27 the test, access to a student guide to prepare for the test,
28 or recordkeeping and reporting of each student's test results
29 to the department.

30 (5) The credit awarded pursuant to this section shall
31 apply toward the 120 hours of college credit required pursuant

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1 to s. 1007.25(7).

2 (6) The Department of Education shall track and
3 annually report on the effectiveness of the program, and
4 include information on the number of students participating in
5 the program; the CLEP examinations taken and the passage rate
6 of Florida Academic Scholars and Florida Medallion Scholars
7 award recipients; the use of Advanced Placement and
8 International Baccalaureate examinations and dual enrollment
9 courses to satisfy the requirements of the program; and the
10 course credit provided.

11 Section 432. Section 1009.54, Florida Statutes, is
12 created to read:

13 1009.54 Critical Teacher Shortage Program.--There is
14 created the Critical Teacher Shortage Program. Funds
15 appropriated by the Legislature for the program shall be
16 deposited in the State Student Financial Assistance Trust
17 Fund. The Comptroller shall authorize expenditures from the
18 trust fund upon receipt of vouchers approved by the Department
19 of Education for the critical teacher shortage programs
20 established in s. 1009.57, s. 1009.58, or s. 1009.59. The
21 Comptroller shall also authorize expenditures from the trust
22 fund for the "Chappie" James Most Promising Teacher
23 Scholarship Loan Program and the Critical Teacher Shortage
24 Scholarship Loan Program recipients who participated in these
25 programs prior to July 1, 1993, provided that such students
26 continue to meet the renewal eligibility requirements that
27 were in effect at the time that their original awards were
28 made. Students who participated in the "Chappie" James Most
29 Promising Teacher Scholarship Loan Program prior to July 1,
30 1993, shall not have their awards reduced as a result of the
31 addition of new students to the program. All scholarship loan

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1 repayments pursuant to s. 1009.57 shall be deposited into the
2 State Student Financial Assistance Trust Fund. Any remaining
3 balance at the end of any fiscal year that has been allocated
4 to the program shall remain in the trust fund and be available
5 for the individual programs in future years.

6 Section 433. Section 1009.55, Florida Statutes, is
7 created to read:

8 1009.55 Rosewood Family Scholarship Program.--

9 (1) There is created a Rosewood Family Scholarship
10 Program for minority persons with preference given to the
11 direct descendants of the Rosewood families, not to exceed 25
12 scholarships per year. Funds appropriated by the Legislature
13 for the program shall be deposited in the State Student
14 Financial Assistance Trust Fund.

15 (2) The Rosewood Family Scholarship Program shall be
16 administered by the Department of Education. The State Board
17 of Education shall adopt rules for administering this program
18 which shall at a minimum provide for the following:

19 (a) The annual award to a student shall be up to
20 \$4,000 but should not exceed an amount in excess of tuition
21 and registration fees.

22 (b) If funds are insufficient to provide a full
23 scholarship to each eligible applicant, the department may
24 prorate available funds and make a partial award to each
25 eligible applicant.

26 (c) The department shall rank eligible initial
27 applicants for the purposes of awarding scholarships with
28 preference being given to the direct descendants of the
29 Rosewood families. The remaining applicants shall be ranked
30 based on need as determined by the Department of Education.

31 (d) Payment of an award shall be transmitted in

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1 advance of the registration period each semester on behalf of
2 the student to the president of the university or community
3 college, or his or her representative, or to the director of
4 the technical school which the recipient is attending.

5 (3) Beginning with the 1994-1995 academic year, the
6 department is authorized to make awards for undergraduate
7 study to students who:

8 (a) Meet the general requirements for student
9 eligibility as provided in s. 1009.40, except as otherwise
10 provided in this section.

11 (b) File an application for the scholarship within the
12 established time limits.

13 (c) Enroll as certificate-seeking or degree-seeking
14 students at a state university, community college, or
15 technical school authorized by law.

16 Section 434. Section 1009.56, Florida Statutes, is
17 created to read:

18 1009.56 Seminole and Miccosukee Indian Scholarships.--

19 (1) There is created a Seminole and Miccosukee Indian
20 Scholarship Program to be administered by the Department of
21 Education in accordance with rules established by the State
22 Board of Education. The Seminole Tribe of Florida and the
23 Miccosukee Tribe of Indians of Florida shall act in an
24 advisory capacity in the development of the rules.

25 (2) The department shall award scholarships to
26 students who:

27 (a) Have graduated from high school, have earned an
28 equivalency diploma issued by the Department of Education
29 pursuant to s. 1003.435, have earned an equivalency diploma
30 issued by the United States Armed Forces Institute, or have
31 been accepted through an early admission program;

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1 (b) Are enrolled at a state university or community
2 college authorized by Florida law; a nursing diploma school
3 approved by the Board of Nursing; any Florida college,
4 university, or community college which is accredited by an
5 accrediting association whose standards are comparable to the
6 minimum standards required to operate an institution at that
7 level in Florida, as determined by rules of the Commission for
8 Independent Education; or any Florida institution the credits
9 of which are acceptable for transfer to state universities;

10 (c) Are enrolled as either full-time or part-time
11 undergraduate or graduate students and make satisfactory
12 academic progress as defined by the college or university;

13 (d) Have been recommended by the Seminole Tribe of
14 Florida or the Miccosukee Tribe of Indians of Florida; and

15 (e) Meet the general requirements for student
16 eligibility as provided in s. 1009.40, except as otherwise
17 provided in this section.

18 (3) Recommendation by the Seminole Tribe of Florida or
19 the Miccosukee Tribe of Indians of Florida shall:

20 (a) Be based upon established standards of financial
21 need as determined by the respective tribe and the department;

22 (b) Be based upon such other eligibility requirements
23 for student financial assistance as are adopted by the
24 respective tribe; and

25 (c) Include certification of membership or eligibility
26 for membership in the Seminole Tribe of Florida or the
27 Miccosukee Tribe of Indians of Florida.

28 (4) The amount of the scholarship shall be determined
29 by the Seminole Tribe of Florida or the Miccosukee Tribe of
30 Indians of Florida, for its respective applicants, within the
31 amount of funds appropriated for this purpose. The amount

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1 shall be prorated accordingly for part-time students. At the
2 beginning of each semester or quarter, the department shall
3 certify the name of each scholarship holder eligible to
4 receive funds for that registration period to the Comptroller,
5 who shall draw a warrant in favor of each scholarship
6 recipient. Each recipient shall be eligible to have the
7 scholarship renewed from year to year, provided all academic
8 and other requirements of the college or university and rules
9 established by the State Board of Education are met.

10 (5) The Commissioner of Education shall include
11 amounts sufficient for continuation of this program in the
12 legislative budget requests of the department.

13 (6) Funds appropriated by the Legislature for the
14 program shall be deposited in the State Student Financial
15 Assistance Trust Fund.

16 Section 435. Section 1009.57, Florida Statutes, is
17 created to read:

18 1009.57 Florida Teacher Scholarship and Forgivable
19 Loan Program.--

20 (1) There is created the Florida Teacher Scholarship
21 and Forgivable Loan Program to be administered by the
22 Department of Education. The program shall provide scholarship
23 assistance to eligible students for lower-division
24 undergraduate study and loan assistance to eligible students
25 for upper-division undergraduate and graduate study. The
26 primary purpose of the program is to attract capable and
27 promising students to the teaching profession, attract
28 teachers to areas of projected or current critical teacher
29 shortage, attract liberal arts and science graduates to
30 teaching, and provide opportunity for persons making midcareer
31 decisions to enter the teaching profession. The State Board

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1 of Education shall adopt rules necessary to administer the
2 program and shall annually identify critical teacher shortage
3 areas.

4 (2) Within the Florida Teacher Scholarship and
5 Forgivable Loan Program shall be established the "Chappie"
6 James Most Promising Teacher Scholarship which shall be
7 offered to a top graduating senior from each public secondary
8 school in the state. An additional number of "Chappie" James
9 Most Promising Teacher Scholarship awards shall be offered
10 annually to graduating seniors from private secondary schools
11 in the state which are listed with the Department of Education
12 and accredited by the Southern Association of Colleges and
13 Schools or any other private statewide accrediting agency
14 which makes public its standards, procedures, and member
15 schools. The private secondary schools shall be in compliance
16 with regulations of the Office for Civil Rights. The number
17 of awards to private secondary school students shall be
18 proportional to the number of awards available to public
19 secondary school students and shall be calculated as the ratio
20 of the number of private to public secondary school seniors in
21 the state multiplied by the number of public secondary schools
22 in the state.

23 (a) The scholarship may be used for attendance at a
24 state university, a community college, or an independent
25 institution as defined in s. 1009.89.

26 (b) The amount of the scholarship is \$1,500 and may be
27 renewed for 1 year if the student earns a 2.5 cumulative grade
28 point average and 12 credit hours per term and meets the
29 eligibility requirements for renewal of the award.

30 (c) To be eligible for the scholarship, a student
31 shall: be ranked within the top quartile of the senior class;

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1 have been an active member of a high school future teacher
2 organization, if such organization exists in the student's
3 school; have earned a minimum unweighted cumulative grade
4 point average of 3.0 on a 4.0 scale; file an application
5 within the application period; meet the general requirements
6 for student eligibility as provided in s. 1009.40, except as
7 otherwise provided in this section; and have the intent to
8 enter the public teaching profession in Florida.

9 (d) Three candidates from each public secondary school
10 and one candidate from each nonpublic secondary school in the
11 state shall be nominated by the principal and a committee of
12 teachers, based on criteria which shall include, but need not
13 be limited to, rank in class, standardized test scores,
14 cumulative grade point average, extracurricular activities,
15 letters of recommendation, an essay, and a declaration of
16 intention to teach in a public school in the state.

17 (e) From public secondary school nominees, the
18 Commissioner of Education shall select a graduating senior
19 from each public high school to receive a scholarship.
20 Selection of recipients from nonpublic secondary schools shall
21 be made by a committee appointed by the Commissioner of
22 Education comprised of representatives from nonpublic
23 secondary schools and the Department of Education.

24 (f) Fifteen percent of scholarships awarded shall be
25 to minority students. However, in the event that fewer than
26 15 percent of the total eligible nominees are minority
27 students, the commissioner may allocate all award funds as
28 long as a scholarship is reserved for each eligible minority
29 nominee.

30 (3)(a) Within the Florida Teacher Scholarship and
31 Forgivable Loan Program shall be established the Florida

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1 Critical Teacher Shortage Forgivable Loan Program which shall
2 make undergraduate and graduate forgivable loans available to
3 eligible students entering programs of study that lead to a
4 degree in a teaching program in a critical teacher shortage
5 area. To be eligible for a program loan, a candidate shall:
6 1. Be a full-time student at the upper-division
7 undergraduate or graduate level in a teacher training program
8 approved by the department pursuant to s. 1004.04 leading to
9 certification in a critical teacher shortage subject area.
10 2. Have declared an intent to teach, for at least the
11 number of years for which a forgivable loan is received, in
12 publicly funded elementary or secondary schools of Florida in
13 a critical teacher shortage area identified by the State Board
14 of Education. For purposes of this subsection, a school is
15 publicly funded if it receives at least 75 percent of its
16 operating costs from governmental agencies and operates its
17 educational program under contract with a public school
18 district or the Department of Education.
19 3. Meet the general requirements for student
20 eligibility as provided in s. 1009.40, except as otherwise
21 provided in this section.
22 4. If applying for an undergraduate forgivable loan,
23 have maintained a minimum cumulative grade point average of
24 2.5 on a 4.0 scale for all undergraduate work. Renewal
25 applicants for undergraduate loans shall maintain a minimum
26 cumulative grade point average of at least a 2.5 on a 4.0
27 scale for all undergraduate work and have earned at least 12
28 semester credits per term, or the equivalent.
29 5. If applying for a graduate forgivable loan, have
30 maintained an undergraduate cumulative grade point average of
31 at least a 3.0 on a 4.0 scale or have attained a Graduate

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1 Record Examination score of at least 1,000. Renewal applicants
2 for graduate loans shall maintain a minimum cumulative grade
3 point average of at least a 3.0 on a 4.0 scale for all
4 graduate work and have earned at least 9 semester credits per
5 term, or the equivalent.

6 (b) An undergraduate forgivable loan may be awarded
7 for 2 undergraduate years, not to exceed \$4,000 per year, or
8 for a maximum of 3 years for programs requiring a fifth year
9 of instruction to obtain initial teaching certification.

10 (c) A graduate forgivable loan may be awarded for 2
11 graduate years, not to exceed \$8,000 per year. In addition to
12 meeting criteria specified in paragraph (a), a loan recipient
13 at the graduate level shall:

14 1. Hold a bachelor's degree from any college or
15 university accredited by a regional accrediting association as
16 defined by State Board of Education rule.

17 2. Not already hold a teaching certificate resulting
18 from an undergraduate degree in education in an area of
19 critical teacher shortage as designated by the State Board of
20 Education.

21 3. Not have received an undergraduate forgivable loan
22 as provided for in paragraph (b).

23 (d) Recipients of the Paul Douglas Teacher Scholarship
24 Loan Program as authorized under title IV, part D, subpart 1
25 of the Higher Education Act of 1965, as amended, shall not be
26 eligible to participate in the Florida Critical Teacher
27 Shortage Forgivable Loan Program.

28 (e) The State Board of Education shall adopt by rule
29 repayment schedules and applicable interest rates under ss.
30 1009.82 and 1009.95. A forgivable loan must be repaid within
31 10 years of completion of a program of studies.

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1 1. Credit for repayment of an undergraduate or
2 graduate forgivable loan shall be in an amount not to exceed
3 \$4,000 in loan principal plus applicable accrued interest for
4 each full year of eligible teaching service. However, credit
5 in an amount not to exceed \$8,000 in loan principal plus
6 applicable accrued interest shall be given for each full year
7 of eligible teaching service completed at a high-density,
8 low-economic urban school or at a low-density, low-economic
9 rural school, as identified by the State Board of Education.

10 2. Any forgivable loan recipient who fails to teach in
11 a publicly funded elementary or secondary school in this state
12 as specified in this subsection is responsible for repaying
13 the loan plus accrued interest at 8 percent annually.

14 3. Forgivable loan recipients may receive loan
15 repayment credit for teaching service rendered at any time
16 during the scheduled repayment period. However, such repayment
17 credit shall be applicable only to the current principal and
18 accrued interest balance that remains at the time the
19 repayment credit is earned. No loan recipient shall be
20 reimbursed for previous cash payments of principal and
21 interest.

22 (f) Funds appropriated by the Legislature for the
23 program shall be deposited in the State Student Financial
24 Assistance Trust Fund.

25 Section 436. Section 1009.58, Florida Statutes, is
26 created to read:

27 1009.58 Critical teacher shortage tuition
28 reimbursement program.--

29 (1) A critical teacher shortage tuition reimbursement
30 program shall be established for the purpose of improving the
31 skills and knowledge of current teachers or persons preparing

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1 to teach in critical teacher shortage areas.

2 (2) The State Board of Education shall adopt rules to
3 implement the critical teacher shortage tuition reimbursement
4 program. Any full-time public school employee or
5 developmental research school employee certified to teach in
6 this state is eligible for the program. For the purposes of
7 this program, tuition reimbursement shall be limited to
8 courses in critical teacher shortage areas as determined by
9 the State Board of Education. Such courses shall be:

10 (a) Graduate-level courses leading to a master's,
11 specialist, or doctoral degree;

12 (b) Graduate-level courses leading to a new
13 certification area; or

14 (c) State-approved undergraduate courses leading to an
15 advanced degree or new certification area.

16 (3) Participants may receive tuition reimbursement
17 payments for up to 9 semester hours, or the equivalent in
18 quarter hours, per year, at a rate not to exceed \$78 per
19 semester hour, up to a total of 36 semester hours. All tuition
20 reimbursements shall be contingent on passing an approved
21 course with a minimum grade of 3.0 or its equivalent.

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

24 Section 437. Section 1009.59, Florida Statutes, is
25 created to read:

26 1009.59 Critical Teacher Shortage Student Loan
27 Forgiveness Program.--

28 (1) The Critical Teacher Shortage Student Loan
29 Forgiveness Program is established to encourage qualified
30 personnel to seek employment in subject areas in which
31 critical teacher shortages exist, as identified annually by

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1 the State Board of Education. The primary function of the
2 program is to make repayments towards loans received by
3 students from federal programs or commercial lending
4 institutions for the support of postsecondary education study.
5 Repayments are intended to be made to qualified applicants who
6 begin teaching for the first time in designated subject areas,
7 and who apply during their first year of teaching as certified
8 teachers in these subject areas.

9 (2) From the funds available, the Department of
10 Education may make loan principal repayments as follows:

11 (a) Up to \$2,500 a year for up to 4 years on behalf of
12 selected graduates of state-approved undergraduate
13 postsecondary teacher preparation programs, persons certified
14 to teach pursuant to any applicable teacher certification
15 requirements, or selected teacher preparation graduates from
16 any state participating in the Interstate Agreement on the
17 Qualification of Educational Personnel.

18 (b) Up to \$5,000 a year for up to 2 years on behalf of
19 selected graduates of state-approved graduate postsecondary
20 teacher preparation programs, persons with graduate degrees
21 certified to teach pursuant to any applicable teacher
22 certification requirements, or selected teacher preparation
23 graduates from any state participating in the Interstate
24 Agreement on the Qualification of Educational Personnel.

25 (c) All repayments shall be contingent on continued
26 proof of employment in the designated subject areas in this
27 state and shall be made directly to the holder of the loan.
28 The state shall not bear responsibility for the collection of
29 any interest charges or other remaining balance. In the event
30 that designated critical teacher shortage subject areas are
31 changed by the State Board of Education, a teacher shall

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1 continue to be eligible for loan forgiveness as long as he or
2 she continues to teach in the subject area for which the
3 original loan repayment was made and otherwise meets all
4 conditions of eligibility.

5 (3) Students receiving a scholarship loan or a
6 fellowship loan are not eligible to participate in the
7 Critical Teacher Shortage Student Loan Forgiveness Program.

8 (4) The State Board of Education may adopt rules
9 pursuant to ss. 120.536(1) and 120.54, necessary for the
10 administration of this program.

11 (5) This section shall be implemented only to the
12 extent as specifically funded and authorized by law.

13 Section 438. Section 1009.60, Florida Statutes, is
14 created to read:

15 1009.60 Minority teacher education scholars
16 program.--There is created the minority teacher education
17 scholars program, which is a collaborative performance-based
18 scholarship program for African-American, Hispanic-American,
19 Asian-American, and Native American students. The participants
20 in the program include Florida's community colleges and its
21 public and private universities that have teacher education
22 programs.

23 (1) The minority teacher education scholars program
24 shall provide an annual scholarship of \$4,000 for each
25 approved minority teacher education scholar who is enrolled in
26 one of Florida's public or private universities in the junior
27 year and is admitted into a teacher education program.

28 (2) To assist each participating education institution
29 in the recruitment and retention of minority teacher scholars,
30 the administrators of the Florida Fund for Minority Teachers,
31 Inc., shall implement a systemwide training program. The

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1 training program must include an annual conference or series
2 of conferences for students who are in the program or who are
3 identified by a high school or a community college as likely
4 candidates for the program. The training program must also
5 include research about and dissemination concerning successful
6 activities or programs that recruit minority students for
7 teacher education and retain them through graduation,
8 certification, and employment. Staff employed by the
9 corporation may work with each participating education
10 institution to assure that local faculty and administrators
11 receive the benefit of all available research and resources to
12 increase retention of their minority teacher education
13 scholars.

14 (3) The total amount appropriated annually for new
15 scholarships in the program must be divided by \$4,000 and by
16 the number of participating colleges and universities. Each
17 participating institution has access to the same number of
18 scholarships and may award all of them to eligible minority
19 students. If a college or university does not award all of its
20 scholarships by the date set by the program administration at
21 the Florida Fund for Minority Teachers, Inc., the remaining
22 scholarships must be transferred to another institution that
23 has eligible students.

24 (4) A student may receive a scholarship from the
25 program for 3 consecutive years if the student remains
26 enrolled full-time in the program and makes satisfactory
27 progress toward a baccalaureate degree with a major in
28 education.

29 (5) If a minority teacher education scholar graduates
30 and is employed as a teacher by a Florida district school
31 board, the scholar is not required to repay the scholarship

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1 amount so long as the scholar teaches in a Florida public
2 school. A scholar may repay the entire scholarship amount by
3 remaining employed as a Florida public school teacher for 1
4 year for each year he or she received the scholarship.

5 (6) If a minority teacher education scholar does not
6 graduate within 3 years, or if the scholar graduates but does
7 not teach in a Florida public school, the scholar must repay
8 the total amount awarded, plus annual interest of 8 percent.

9 (a) Interest begins accruing the first day of the 13th
10 month after the month in which the recipient completes an
11 approved teacher education program or after the month in which
12 enrollment as a full-time student is terminated. Interest does
13 not accrue during any period of deferment or eligible teaching
14 service.

15 (b) The repayment period begins the first day of the
16 13th month after the month in which the recipient completes an
17 approved teacher education program or after the month in which
18 enrollment as a full-time student is terminated.

19 (c) The terms and conditions of the scholarship
20 repayment must be contained in a promissory note and a
21 repayment schedule. The loan must be paid within 10 years
22 after the date of graduation or termination of full-time
23 enrollment, including any periods of deferment. A shorter
24 repayment period may be granted. The minimum monthly repayment
25 is \$50 or the unpaid balance, unless otherwise approved,
26 except that the monthly payment may not be less than the
27 accruing interest. The recipient may prepay any part of the
28 scholarship without penalty.

29 (d) The holder of the promissory note may grant a
30 deferment of repayment for a recipient who is a full-time
31 student, who is unable to secure a teaching position that

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1 would qualify as repayment, who becomes disabled, or who
2 experiences other hardships. Such a deferment may be granted
3 for a total of 24 months.

4 (e) If a student defaults on the scholarship, the
5 entire unpaid balance, including interest accrued, becomes due
6 and payable at the option of the holder of the promissory
7 note, or when the recipient is no longer able to pay or no
8 longer intends to pay. The recipient is responsible for paying
9 all reasonable attorney's fees and other costs and charges
10 necessary for administration of the collection process.

11 Section 439. Section 1009.605, Florida Statutes, is
12 created to read:

13 1009.605 Florida Fund for Minority Teachers, Inc.--

14 (1) There is created the Florida Fund for Minority
15 Teachers, Inc., which is a not-for-profit statutory
16 corporation housed in the College of Education at the
17 University of Florida. The corporation shall administer and
18 manage the minority teacher education scholars program.

19 (2) The corporation shall submit an annual budget
20 projection to the Department of Education to be included in
21 the annual legislative budget request. The projection must be
22 based on a 7-year plan that would be capable of awarding the
23 following schedule of scholarships:

24 (a) In the initial year, 700 scholarships of \$4,000
25 each to scholars in the junior year of college.

26 (b) In the second year, 350 scholarships to new
27 scholars in their junior year and 700 renewal scholarships to
28 the rising seniors.

29 (c) In each succeeding year, 350 scholarships to new
30 scholars in the junior year and renewal scholarships to the
31 350 rising seniors.

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1 (3) A board of directors shall administer the
2 corporation. The Governor shall appoint to the board at least
3 15 but not more than 25 members, who shall serve terms of 3
4 years, except that 4 of the initial members shall serve 1-year
5 terms and 4 shall serve 2-year terms. At least 4 members must
6 be employed by public community colleges and at least 11
7 members must be employed by public or private postsecondary
8 institutions that operate colleges of education. At least one
9 member must be a financial aid officer employed by a
10 postsecondary education institution operating in Florida.
11 Administrative costs for support of the Board of Directors and
12 the Florida Fund for Minority Teachers may not exceed 5
13 percent of funds allocated for the program. The board shall:
14 (a) Hold meetings to implement this section.
15 (b) Select a chairperson annually.
16 (c) Make rules for its own government.
17 (d) Appoint an executive director to serve at its
18 pleasure. The executive director shall be the chief
19 administrative officer and agent of the board.
20 (e) Maintain a record of its proceedings.
21 (f) Delegate to the chairperson the responsibility for
22 signing final orders.
23 (g) Carry out the training program as required for the
24 minority teacher education scholars program. No more than 5
25 percent of the funds appropriated for the minority teacher
26 education scholars program may be expended for administration,
27 including administration of the required training program.
28 Section 440. Section 1009.61, Florida Statutes, is
29 created to read:
30 1009.61 Teacher/Quest Scholarship Program.--The
31 Teacher/Quest Scholarship Program is created for the purpose

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1 of providing teachers with the opportunity to enhance their
2 knowledge of science, mathematics, and computer applications
3 in business, industry, and government. A school district or
4 developmental research school may propose that one or more
5 teachers be granted a Teacher/Quest Scholarship by submitting
6 to the Department of Education:

7 (1) A project proposal specifying activities a teacher
8 will carry out to improve his or her:

9 (a) Understanding of mathematical, scientific, or
10 computing concepts;

11 (b) Ability to apply and demonstrate such concepts
12 through instruction;

13 (c) Knowledge of career and technical requirements for
14 competency in mathematics, science, and computing; and

15 (d) Ability to integrate and apply technological
16 concepts from all three fields; and

17 (2) A contractual agreement with a private corporation
18 or governmental agency that implements the project proposal
19 and guarantees employment to the teacher during a summer or
20 other period when schools are out of session. The agreement
21 must stipulate a salary rate that does not exceed regular
22 rates of pay and a gross salary amount consistent with
23 applicable statutory and contractual provisions for the
24 teacher's employment. The teacher's compensation shall be
25 provided for on an equally matched basis by funds from the
26 employing corporation or agency.

27 Section 441. Section 1009.62, Florida Statutes, is
28 created to read:

29 1009.62 Grants for teachers for special training in
30 exceptional student education.--

31 (1) The Department of Education may make grants to

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1 teachers for special training in exceptional student education
2 to meet professional requirements with respect thereto, and
3 the department is responsible for the administration of such
4 program.

5 (2) These grants are limited to teachers who:

6 (a) Hold a full-time contract to teach in a district
7 school system, a state-operated or state-supported program, or
8 an agency or organization under contract with the Department
9 of Education;

10 (b) Hold a valid Florida educator's certificate that
11 does not reflect an exceptional-student-education coverage or
12 endorsement that is appropriate for the teacher's assignment;
13 and

14 (c) Satisfactorily complete the eligible courses.

15 (3) Grant amounts are to be determined on the basis of
16 rates established by the Department of Education.

17 (4) The Department of Education shall administer this
18 program under rules established by the State Board of
19 Education.

20 Section 442. Section 1009.63, Florida Statutes, is
21 created to read:

22 1009.63 Occupational therapist or physical therapist
23 critical shortage program; definitions.--For the purposes of
24 ss. 1009.63-1009.634:

25 (1) "Critical shortage area" applies to licensed
26 occupational therapists and physical therapists and
27 occupational therapy assistants and physical therapist
28 assistants employed by the public schools of this state.

29 (2) "Therapist" means occupational therapist or
30 physical therapist.

31 Section 443. Section 1009.631, Florida Statutes, is

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1 created to read:

2 1009.631 Occupational therapist or physical therapist
3 critical shortage program; establishment.--

4 (1) The occupational therapist or physical therapist
5 critical shortage program is established in the Department of
6 Education for the purpose of attracting capable and promising
7 applicants in the occupational therapy or physical therapy
8 profession to employment in the public schools of this state.
9 The program shall include the Critical Occupational Therapist
10 or Physical Therapist Shortage Student Loan Forgiveness
11 Program, the Critical Occupational Therapist or Physical
12 Therapist Shortage Scholarship Loan Program, and the Critical
13 Occupational Therapist or Physical Therapist Shortage Tuition
14 Reimbursement Program.

15 (2) Funds appropriated by the Legislature for the
16 program shall be deposited in the State Student Financial
17 Assistance Trust Fund. Any balance in the trust fund at the
18 end of any fiscal year that has been allocated to the program
19 shall remain therein and shall be available for carrying out
20 the purposes of this section. Funds contained in the trust
21 fund for the program shall be used for the programs specified
22 in subsection (1) for those licensed therapists and therapy
23 assistants employed by the public schools of this state.

24 (3) The State Board of Education shall annually review
25 the designation of critical shortage areas and shall adopt
26 rules necessary for the implementation of the program.

27 Section 444. Section 1009.632, Florida Statutes, is
28 created to read:

29 1009.632 Critical Occupational Therapist or Physical
30 Therapist Shortage Student Loan Forgiveness Program.--

31 (1) There is established the Critical Occupational

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1 Therapist or Physical Therapist Shortage Student Loan
2 Forgiveness Program. The primary function of the program is
3 to make repayments toward loans received by students from
4 institutions for the support of postsecondary study of
5 occupational therapy or physical therapy. Repayments shall be
6 made to qualified applicants who initiate employment in the
7 public schools of this state and who apply during their first
8 year of employment in a public school setting.

9 (2) From the funds available, the Department of
10 Education is authorized to make loan principal repayments as
11 follows:

12 (a) Up to \$2,500 a year for up to 4 years on behalf of
13 selected graduates of accredited undergraduate postsecondary
14 occupational therapist or physical therapist preparation
15 programs.

16 (b) Up to \$2,500 a year for up to 2 years on behalf of
17 selected graduates of accredited undergraduate postsecondary
18 occupational therapy or physical therapist assistant
19 preparation programs.

20 (c) Up to \$5,000 a year for up to 2 years on behalf of
21 selected graduates of accredited postbaccalaureate entry level
22 occupational therapist or physical therapist preparation
23 programs.

24 (d) All repayments shall be contingent on continued
25 proof of employment for 3 years as a therapist or therapy
26 assistant by the public schools in this state and shall be
27 made directly to the holder of the loan. The state shall not
28 bear the responsibility for the collection of any interest
29 charges or other remaining balance. In the event that a
30 critical shortage is no longer verified, a therapist or
31 therapy assistant shall continue to be eligible for loan

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1 forgiveness as long as the therapist or therapy assistant
2 continues to be employed by the public schools of this state
3 and otherwise meets all conditions of eligibility.

4 (3) Recipients under this program shall not be
5 eligible to participate in the Critical Occupational Therapist
6 or Physical Therapist Shortage Scholarship Loan Program or the
7 Critical Occupational Therapist or Physical Therapist Shortage
8 Tuition Reimbursement Program.

9 (4) This section shall be implemented only to the
10 extent as specifically funded by law.

11 Section 445. Section 1009.633, Florida Statutes, is
12 created to read:

13 1009.633 Critical Occupational Therapist or Physical
14 Therapist Shortage Scholarship Loan Program.--

15 (1) There is established the Critical Occupational
16 Therapist or Physical Therapist Shortage Scholarship Loan
17 Program.

18 (2) To be eligible, a candidate shall:

19 (a) Be a full-time student in a therapy assistant
20 program or in the upper division or higher level in an
21 occupational therapist or physical therapist educational
22 program. Occupational therapist and occupational therapy
23 assistant programs must be accredited by the American Medical
24 Association in collaboration with the American Occupational
25 Therapy Association. Physical therapist and physical therapist
26 assistant programs must be accredited by the American Physical
27 Therapy Association.

28 (b) Have declared an intention to be employed by the
29 public schools of this state for 3 years following completion
30 of the requirements. In the event critical shortage areas are
31 changed by the State Board of Education, a student shall

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1 continue to be eligible for an award as long as the student
2 continues in the therapist educational program for which the
3 initial award was made and the student otherwise meets all
4 other conditions of eligibility.

5 (c) Meet the general requirements for student
6 eligibility as provided in s. 1009.40, except as otherwise
7 provided in this section.

8 (d) Maintain a grade point average of 2.0 on a 4.0
9 scale for undergraduate college work or a grade point average
10 of 3.0 on a 4.0 scale for graduate college work.

11 (3) A scholarship loan may be awarded for no more than
12 2 years and may not exceed \$4,000 a year.

13 (4) The State Board of Education shall adopt by rule
14 repayment schedules and applicable interest rates under ss.
15 1009.82 and 1009.95. A scholarship loan must be paid back
16 within 10 years of completion of a program of studies.

17 (a) Credit for repayment of a scholarship loan shall
18 be in an amount not to exceed \$2,000 plus applicable accrued
19 interest for each full year of employment by the public
20 schools of this state.

21 (b) Any therapist or therapy assistant who fails to be
22 employed by a public school in this state as specified in this
23 subsection is responsible for repaying the loan plus interest.
24 Repayment schedules and applicable interest rates shall be
25 determined by the rules of the State Board of Education under
26 ss. 1009.82 and 1009.95.

27 (5) Recipients under this program shall not be
28 eligible to participate in the Critical Occupational Therapist
29 or Physical Therapist Shortage Student Loan Forgiveness
30 Program or the Critical Occupational Therapist or Physical
31 Therapist Shortage Tuition Reimbursement Program.

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

3 Section 446. Section 1009.634, Florida Statutes, is
4 created to read:

5 1009.634 Critical Occupational Therapist or Physical
6 Therapist Shortage Tuition Reimbursement Program.--

7 (1) There is established the Critical Occupational
8 Therapist or Physical Therapist Shortage Tuition Reimbursement
9 Program to improve the skills and knowledge of current
10 therapists and therapy assistants who are employed by the
11 public school system.

12 (2) Any full-time public school employee licensed to
13 practice occupational therapy or physical therapy in this
14 state is eligible for the program.

15 (3) Participants may receive tuition reimbursement
16 payments for up to 9 semester hours, or the equivalent in
17 quarter hours, per year, at a rate not to exceed \$78 per
18 semester hour, up to a total of 36 semester hours. All tuition
19 reimbursements shall be contingent on the participant passing
20 an approved course with a minimum grade of 3.0 or its
21 equivalent.

22 (4) The participant shall be employed by the public
23 schools of this state for 3 years following completion of the
24 requirements.

25 (5) Recipients under this program shall not be
26 eligible to participate in the Critical Occupational Therapist
27 or Physical Therapist Shortage Student Loan Forgiveness
28 Program or the Critical Occupational Therapist or Physical
29 Therapist Shortage Scholarship Loan Program.

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

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1 Section 447. Section 1009.64, Florida Statutes, is
2 created to read:

3 1009.64 Certified Education Paraprofessional Welfare
4 Transition Program.--

5 (1) There is created the Certified Education
6 Paraprofessional Welfare Transition Program to provide
7 education and employment for recipients of public assistance
8 who are certified to work in schools that, because of the high
9 proportion of economically disadvantaged children enrolled,
10 are at risk of poor performance on traditional measures of
11 achievement. The program is designed to enable such schools
12 to increase the number of adults working with the school
13 children. However, the increase in personnel working at
14 certain schools is intended to supplement and not to supplant
15 the school staff and should not affect current school board
16 employment and staffing policies, including those contained in
17 collective bargaining agreements. The program is intended to
18 be supported by local, state, and federal program funds for
19 which the participants may be eligible. Further, the program
20 is designed to provide its participants not only with
21 entry-level employment but also with a marketable credential,
22 a career option, and encouragement to advance.

23 (2) The Commissioner of Education, the secretary of
24 the Department of Children and Family Services, and the
25 director of the Agency for Workforce Innovation have joint
26 responsibility for planning and conducting the program.

27 (3) The agencies responsible may make recommendations
28 to the State Board of Education and the Legislature if they
29 find that implementation or operation of the program would
30 benefit from the adoption or waiver of state or federal
31 policy, rule, or law, including recommendations regarding

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1 program budgeting.

2 (4) The agencies shall complete an implementation plan
3 that addresses at least the following recommended components
4 of the program:

5 (a) A method of selecting participants. The method
6 must not duplicate services provided by those assigned to
7 screen participants of the welfare transition program, but
8 must assure that screening personnel are trained to identify
9 recipients of public assistance whose personal aptitudes and
10 motivation make them most likely to succeed in the program and
11 advance in a career related to the school community.

12 (b) A budget for use of incentive funding to provide
13 motivation to participants to succeed and excel. The budget
14 for incentive funding includes:

15 1. Funds allocated by the Legislature directly for the
16 program.

17 2. Funds that may be made available from the federal
18 Workforce Investment Act based on client eligibility or
19 requested waivers to make the clients eligible.

20 3. Funds made available by implementation strategies
21 that would make maximum use of work supplementation funds
22 authorized by federal law.

23 4. Funds authorized by strategies to lengthen
24 participants' eligibility for federal programs such as
25 Medicaid, subsidized child care, and transportation.

26
27 Incentives may include a stipend during periods of college
28 classroom training, a bonus and recognition for a high
29 grade-point average, child care and prekindergarten services
30 for children of participants, and services to increase a
31 participant's ability to advance to higher levels of

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1 employment. Nonfinancial incentives should include providing a
2 mentor or tutor, and service incentives should continue and
3 increase for any participant who plans to complete the
4 baccalaureate degree and become a certified teacher. Services
5 may be provided in accordance with family choice by community
6 colleges and school district technical centers, through family
7 service centers and full-service schools, or under contract
8 with providers through central agencies.

9 (5) The agencies shall select Department of Children
10 and Family Services districts to participate in the program. A
11 district that wishes to participate must demonstrate that a
12 district school board, a community college board of trustees,
13 an economic services program administrator, and a regional
14 workforce board are willing to coordinate to provide the
15 educational program, support services, employment
16 opportunities, and incentives required to fulfill the intent
17 of this section.

18 (6)(a) A community college or school district
19 technical center is eligible to participate if it provides a
20 technical certificate program in Child Development Early
21 Intervention as approved by Workforce Florida, Inc. Priority
22 programs provide an option and incentives to articulate with
23 an associate in science degree program or a baccalaureate
24 degree program.

25 (b) A participating educational agency may earn funds
26 appropriated for performance-based incentive funding for
27 successful outcomes of enrollment and placement of recipients
28 of public assistance who are in the program. In addition, an
29 educational agency is eligible for an incentive award
30 determined by Workforce Florida, Inc., for each recipient of
31 public assistance who successfully completes a program leading

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1 to the award of a General Education Development credential.

2 (c) Historically black colleges or universities that
3 have established programs that serve participants in the
4 welfare transition program are eligible to participate in the
5 Performance Based Incentive Funding Program and may earn an
6 incentive award determined by Workforce Florida, Inc., for
7 successful placement of program completers in jobs as
8 education paraprofessionals in at-risk schools.

9 (7)(a) A participating school district shall identify
10 at-risk schools in which the program participants will work
11 during the practicum part of their education. For purposes of
12 this act, an at-risk school is a school with grades K-3 in
13 which 50 percent or more of the students enrolled at the
14 school are eligible for free lunches or reduced-price lunches.
15 Priority schools are schools whose service zones include the
16 participants' own communities.

17 (b) A participating school district may use funds
18 appropriated by the Legislature from Agency for Workforce
19 Innovation regional workforce board allotments to provide at
20 least 6 months of on-the-job training to participants in the
21 Certified Education Paraprofessional Welfare Transition
22 Program. Participating school districts may also use funds
23 provided by grant diversion of funds from the welfare
24 transition program for the participants during the practicum
25 portion of their training to earn the certificate required for
26 their employment.

27 (8) The agencies shall give priority for funding to
28 those programs that provide maximum security for the
29 long-range employment and career opportunities of the program
30 participants. Security is enhanced if employment is provided
31 through a governmental or nongovernmental agency other than

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1 the school board, or if the plans assure in another way that
2 the participants will supplement, rather than supplant, the
3 workforce available to the school board. It is the intent of
4 the Legislature that, when a program participant succeeds in
5 becoming a certified education paraprofessional after working
6 successfully in a school during the practicum or on-the-job
7 training supported by the program, the participant shall have
8 the opportunity to continue in full-time employment at the
9 school that provided the training or at another school in the
10 district.

11 Section 448. Section 1009.65, Florida Statutes, is
12 created to read:

13 1009.65 Medical Education Reimbursement and Loan
14 Repayment Program.--

15 (1) To encourage qualified medical professionals to
16 practice in underserved locations where there are shortages of
17 such personnel, there is established the Medical Education
18 Reimbursement and Loan Repayment Program. The function of the
19 program is to make payments that offset loans and educational
20 expenses incurred by students for studies leading to a medical
21 or nursing degree, medical or nursing licensure, or advanced
22 registered nurse practitioner certification or physician
23 assistant licensure. The following licensed or certified
24 health care professionals are eligible to participate in this
25 program: medical doctors with primary care specialties,
26 doctors of osteopathic medicine with primary care specialties,
27 physician's assistants, licensed practical nurses and
28 registered nurses, and advanced registered nurse practitioners
29 with primary care specialties such as certified nurse
30 midwives. Primary care medical specialties for physicians
31 include obstetrics, gynecology, general and family practice,

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1 internal medicine, pediatrics, and other specialties which may
2 be identified by the Department of Health.

3 (2) From the funds available, the Department of Health
4 shall make payments to selected medical professionals as
5 follows:

6 (a) Up to \$4,000 per year for licensed practical
7 nurses and registered nurses, up to \$10,000 per year for
8 advanced registered nurse practitioners and physician's
9 assistants, and up to \$20,000 per year for physicians.

10 Penalties for noncompliance shall be the same as those in the
11 National Health Services Corps Loan Repayment Program.

12 Educational expenses include costs for tuition, matriculation,
13 registration, books, laboratory and other fees, other
14 educational costs, and reasonable living expenses as
15 determined by the Department of Health.

16 (b) All payments shall be contingent on continued
17 proof of primary care practice in an area defined in s.
18 395.602(2)(e), or an underserved area designated by the
19 Department of Health, provided the practitioner accepts
20 Medicaid reimbursement if eligible for such reimbursement.
21 Correctional facilities, state hospitals, and other state
22 institutions that employ medical personnel shall be designated
23 by the Department of Health as underserved locations.
24 Locations with high incidences of infant mortality, high
25 morbidity, or low Medicaid participation by health care
26 professionals may be designated as underserved.

27 (c) The Department of Health may use funds
28 appropriated for the Medical Education Reimbursement and Loan
29 Repayment Program as matching funds for federal loan repayment
30 programs such as the National Health Service Corps State Loan
31 Repayment Program.

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1 (3) The Department of Health may adopt any rules
2 necessary for the administration of the Medical Education
3 Reimbursement and Loan Repayment Program. The department may
4 also solicit technical advice regarding conduct of the program
5 from the Department of Education and Florida universities and
6 community colleges. The Department of Health shall submit a
7 budget request for an amount sufficient to fund medical
8 education reimbursement, loan repayments, and program
9 administration.

10 Section 449. Section 1009.66, Florida Statutes, is
11 created to read:

12 1009.66 Nursing Student Loan Forgiveness Program.--

13 (1) To encourage qualified personnel to seek
14 employment in areas of this state in which critical nursing
15 shortages exist, there is established the Nursing Student Loan
16 Forgiveness Program. The primary function of the program is
17 to increase employment and retention of registered nurses and
18 licensed practical nurses in nursing homes and hospitals in
19 the state and in state-operated medical and health care
20 facilities, public schools, birth centers, federally sponsored
21 community health centers, family practice teaching hospitals,
22 and specialty children's hospitals by making repayments toward
23 loans received by students from federal or state programs or
24 commercial lending institutions for the support of
25 postsecondary study in accredited or approved nursing
26 programs.

27 (2) To be eligible, a candidate must have graduated
28 from an accredited or approved nursing program and have
29 received a Florida license as a licensed practical nurse or a
30 registered nurse or a Florida certificate as an advanced
31 registered nurse practitioner.

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1 (3) Only loans to pay the costs of tuition, books, and
2 living expenses shall be covered, at an amount not to exceed
3 \$4,000 for each year of education towards the degree obtained.

4 (4) Receipt of funds pursuant to this program shall be
5 contingent upon continued proof of employment in the
6 designated facilities in this state. Loan principal payments
7 shall be made by the Department of Health directly to the
8 federal or state programs or commercial lending institutions
9 holding the loan as follows:

10 (a) Twenty-five percent of the loan principal and
11 accrued interest shall be retired after the first year of
12 nursing;

13 (b) Fifty percent of the loan principal and accrued
14 interest shall be retired after the second year of nursing;

15 (c) Seventy-five percent of the loan principal and
16 accrued interest shall be retired after the third year of
17 nursing; and

18 (d) The remaining loan principal and accrued interest
19 shall be retired after the fourth year of nursing.

20
21 In no case may payment for any nurse exceed \$4,000 in any
22 12-month period.

23 (5) There is created the Nursing Student Loan
24 Forgiveness Trust Fund to be administered by the Department of
25 Health pursuant to this section and s. 1009.67 and department
26 rules. The Comptroller shall authorize expenditures from the
27 trust fund upon receipt of vouchers approved by the Department
28 of Health. All moneys collected from the private health care
29 industry and other private sources for the purposes of this
30 section shall be deposited into the Nursing Student Loan
31 Forgiveness Trust Fund. Any balance in the trust fund at the

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1 end of any fiscal year shall remain therein and shall be
2 available for carrying out the purposes of this section and s.
3 1009.67.

4 (6) In addition to licensing fees imposed under part I
5 of chapter 464, there is hereby levied and imposed an
6 additional fee of \$5, which fee shall be paid upon licensure
7 or renewal of nursing licensure. Revenues collected from the
8 fee imposed in this subsection shall be deposited in the
9 Nursing Student Loan Forgiveness Trust Fund of the Department
10 of Health and will be used solely for the purpose of carrying
11 out the provisions of this section and s. 1009.67. Up to 50
12 percent of the revenues appropriated to implement this
13 subsection may be used for the nursing scholarship program
14 established pursuant to s. 1009.67.

15 (7)(a) Funds contained in the Nursing Student Loan
16 Forgiveness Trust Fund which are to be used for loan
17 forgiveness for those nurses employed by hospitals, birth
18 centers, and nursing homes must be matched on a
19 dollar-for-dollar basis by contributions from the employing
20 institutions, except that this provision shall not apply to
21 state-operated medical and health care facilities, public
22 schools, county health departments, federally sponsored
23 community health centers, teaching hospitals as defined in s.
24 408.07, family practice teaching hospitals as defined in s.
25 395.805, or specialty hospitals for children as used in s.
26 409.9119. If in any given fiscal quarter there are
27 insufficient funds in the trust fund to grant all eligible
28 applicant requests, awards shall be based on the following
29 priority of employer: county health departments; federally
30 sponsored community health centers; state-operated medical and
31 health care facilities; public schools; teaching hospitals as

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1 defined in s. 408.07; family practice teaching hospitals as
2 defined in s. 395.805; specialty hospitals for children as
3 used in s. 409.9119; and other hospitals, birth centers, and
4 nursing homes.

5 (b) All Nursing Student Loan Forgiveness Trust Fund
6 moneys shall be invested pursuant to s. 18.125. Interest
7 income accruing to that portion of the trust fund not matched
8 shall increase the total funds available for loan forgiveness
9 and scholarships. Pledged contributions shall not be eligible
10 for matching prior to the actual collection of the total
11 private contribution for the year.

12 (8) The Department of Health may solicit technical
13 assistance relating to the conduct of this program from the
14 Department of Education.

15 (9) The Department of Health is authorized to recover
16 from the Nursing Student Loan Forgiveness Trust Fund its costs
17 for administering the Nursing Student Loan Forgiveness
18 Program.

19 (10) The Department of Health may adopt rules
20 necessary to administer this program.

21 (11) This section shall be implemented only as
22 specifically funded.

23 Section 450. Section 1009.67, Florida Statutes, is
24 created to read:

25 1009.67 Nursing scholarship program.--

26 (1) There is established within the Department of
27 Health a scholarship program for the purpose of attracting
28 capable and promising students to the nursing profession.

29 (2) A scholarship applicant shall be enrolled as a
30 full-time or part-time student in the upper division of an
31 approved nursing program leading to the award of a

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1 baccalaureate degree or graduate degree to qualify for a
2 nursing faculty position or as an advanced registered nurse
3 practitioner or be enrolled as a full-time or part-time
4 student in an approved program leading to the award of an
5 associate degree in nursing.

6 (3) A scholarship may be awarded for no more than 2
7 years, in an amount not to exceed \$8,000 per year. However,
8 registered nurses pursuing a graduate degree for a faculty
9 position or to practice as an advanced registered nurse
10 practitioner may receive up to \$12,000 per year. Beginning
11 July 1, 1998, these amounts shall be adjusted by the amount of
12 increase or decrease in the consumer price index for urban
13 consumers published by the United States Department of
14 Commerce.

15 (4) Credit for repayment of a scholarship shall be as
16 follows:

17 (a) For each full year of scholarship assistance, the
18 recipient agrees to work for 12 months in a faculty position
19 in a college of nursing or community college nursing program
20 in this state or at a health care facility in a medically
21 underserved area as approved by the Department of Health.
22 Scholarship recipients who attend school on a part-time basis
23 shall have their employment service obligation prorated in
24 proportion to the amount of scholarship payments received.

25 (b) Eligible health care facilities include nursing
26 homes and hospitals in this state, state-operated medical or
27 health care facilities, public schools, county health
28 departments, federally sponsored community health centers,
29 colleges of nursing in universities in this state, and
30 community college nursing programs in this state, family
31 practice teaching hospitals as defined in s. 395.805, or

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1 specialty children's hospitals as described in s. 409.9119.
2 The recipient shall be encouraged to complete the service
3 obligation at a single employment site. If continuous
4 employment at the same site is not feasible, the recipient may
5 apply to the department for a transfer to another approved
6 health care facility.

7 (c) Any recipient who does not complete an appropriate
8 program of studies or who does not become licensed shall repay
9 to the Department of Health, on a schedule to be determined by
10 the department, the entire amount of the scholarship plus 18
11 percent interest accruing from the date of the scholarship
12 payment. Moneys repaid shall be deposited into the Nursing
13 Student Loan Forgiveness Trust Fund established in s. 1009.66.
14 However, the department may provide additional time for
15 repayment if the department finds that circumstances beyond
16 the control of the recipient caused or contributed to the
17 default.

18 (d) Any recipient who does not accept employment as a
19 nurse at an approved health care facility or who does not
20 complete 12 months of approved employment for each year of
21 scholarship assistance received shall repay to the Department
22 of Health an amount equal to two times the entire amount of
23 the scholarship plus interest accruing from the date of the
24 scholarship payment at the maximum allowable interest rate
25 permitted by law. Repayment shall be made within 1 year of
26 notice that the recipient is considered to be in default.
27 However, the department may provide additional time for
28 repayment if the department finds that circumstances beyond
29 the control of the recipient caused or contributed to the
30 default.

31 (5) Scholarship payments shall be transmitted to the

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1 recipient upon receipt of documentation that the recipient is
2 enrolled in an approved nursing program. The Department of
3 Health shall develop a formula to prorate payments to
4 scholarship recipients so as not to exceed the maximum amount
5 per academic year.

6 (6) The Department of Health shall adopt rules,
7 including rules to address extraordinary circumstances that
8 may cause a recipient to default on either the school
9 enrollment or employment contractual agreement, to implement
10 this section and may solicit technical assistance relating to
11 the conduct of this program from the Department of Health.

12 (7) The Department of Health may recover from the
13 Nursing Student Loan Forgiveness Trust Fund its costs for
14 administering the nursing scholarship program.

15 Section 451. Section 1009.68, Florida Statutes, is
16 created to read:

17 1009.68 Florida Minority Medical Education Program.--

18 (1) There is created a Florida Minority Medical
19 Education Program to be administered by the Department of
20 Education in accordance with rules established by the State
21 Board of Education. The program shall provide scholarships to
22 enable minority students to pursue a medical education at the
23 University of Florida, the University of South Florida,
24 Florida State University, the University of Miami, or
25 Southeastern University of the Health Sciences, for the
26 purpose of addressing the primary health care needs of
27 underserved groups.

28 (2) In order to be eligible to receive a scholarship
29 pursuant to this section, an applicant shall:

30 (a) Be a racial or ethnic minority student.

31 (b) Be a citizen of the United States and meet the

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1 general eligibility requirements as provided in s. 1009.40,
2 except as otherwise provided in this section.

3 (c) Have maintained residency in this state for no
4 less than 1 year preceding the award.

5 (d) Be accepted by, and enroll as a full-time student
6 in, a Florida medical school.

7 (e) Have an undergraduate grade point average
8 established by rule.

9 (f) Have received scores on selected examinations
10 established by rule.

11 (g) Meet financial need requirements established by
12 rule.

13 (h) Agree to serve in a medical corps for a period of
14 not less than 2 years for the purpose of providing health care
15 to underserved individuals in the State of Florida.

16 (3) In order to renew a scholarship awarded pursuant
17 to this section, a student shall maintain full-time student
18 status and a cumulative grade point average established by
19 rule.

20 (4) The number of scholarships annually awarded shall
21 be three per school. Priority in the distribution of
22 scholarships shall be given to students with the lowest total
23 family resources.

24 (5) Funds appropriated by the Legislature for the
25 program shall be deposited in the State Student Financial
26 Assistance Trust Fund. Interest income accruing to the program
27 from funds of the program in the trust fund not allocated
28 shall increase the funds available for scholarships. Any
29 balance in the trust fund at the end of any fiscal year that
30 has been allocated to the program shall remain in the trust
31 fund and shall be available for carrying out the purposes of

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1 this section.

2 (6) A scholarship recipient who, upon graduation,
3 defaults on the commitment to serve in the medical corps for
4 the full 2 years shall be required to repay all scholarship
5 money plus interest.

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

8 Section 452. Section 1009.69, Florida Statutes, is
9 created to read:

10 1009.69 Virgil Hawkins Fellows Assistance Program.--

11 (1) The Virgil Hawkins Fellows Assistance Program
12 shall provide financial assistance for study in law to
13 minority students in the colleges of law at the Florida State
14 University, the University of Florida, the Florida
15 Agricultural and Mechanical University, and the Florida
16 International University. For the purposes of this section, a
17 minority student qualified to receive assistance from the
18 Virgil Hawkins Fellows Assistance Program shall be identified
19 pursuant to policies adopted by the State Board of Education.

20 (2) Each student who is awarded a fellowship shall be
21 entitled to receive an award under this act for each academic
22 term that the student is in good standing as approved by the
23 law school pursuant to guidelines of the State Board of
24 Education.

25 (3) If a fellowship vacancy occurs, that slot shall be
26 reassigned and funded as a continuing fellowship for the
27 remainder of the period for which the award was originally
28 designated.

29 (4) The State Board of Education shall adopt policies,
30 and the Department of Education shall administer the Virgil
31 Hawkins Fellows Assistance Program.

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1 Section 453. Section 1009.70, Florida Statutes, is
2 created to read:

3 1009.70 Florida Education Fund.--

4 (1) This section shall be known and may be cited as
5 the "Florida Education Fund Act."

6 (2)(a) The Florida Education Fund, a not-for-profit
7 statutory corporation, is created from a challenge endowment
8 grant from the McKnight Foundation and operates on income
9 derived from the investment of endowment gifts and other gifts
10 as provided by state statute and appropriate matching funds as
11 provided by the state.

12 (b) The amount appropriated to the fund shall be on
13 the basis of \$1 for each \$2 contributed by private sources.
14 The Florida Education Fund shall certify to the Legislature
15 the amount of donations contributed between July 1, 1990, and
16 June 30, 1991. Only the new donations above the certified base
17 shall be calculated for state matching funds during the first
18 year of the program. In subsequent years, only the new
19 donations above the certified prior year base shall be
20 calculated for state matching funds.

21 (3) The Florida Education Fund shall use the income of
22 the fund to provide for programs which seek to:

23 (a) Enhance the quality of higher educational
24 opportunity in this state;

25 (b) Enhance equality by providing access to effective
26 higher education programs by minority and economically
27 deprived individuals in this state, with particular
28 consideration to be given to the needs of both blacks and
29 women; and

30 (c) Increase the representation of minorities in
31 faculty and administrative positions in higher education in

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1 this state and to provide more highly educated minority
2 leadership in business and professional enterprises in this
3 state.

4 (4) The Florida Education Fund shall be administered
5 by a board of directors, which is hereby established.

6 (a) The board of directors shall consist of 12
7 members, to be appointed as follows:

8 1. Two laypersons appointed by the Governor;

9 2. Two laypersons appointed by the President of the
10 Senate;

11 3. Two laypersons appointed by the Speaker of the
12 House of Representatives; and

13 4. Two representatives of state universities, two
14 representatives of public community colleges, and two
15 representatives of independent colleges or universities
16 appointed by the State Board of Education.

17
18 The board of directors may appoint to the board an additional
19 five members from the private sector for the purpose of
20 assisting in the procurement of private contributions. Such
21 members shall serve as voting members of the board.

22 (b) Each of the educational sectors in paragraph (a)
23 shall be represented by a president and a faculty member of
24 the corresponding institutions.

25 (c) Each director shall hold office for a term of 3
26 years or until resignation or removal for cause. A director
27 may resign at any time by filing his or her written
28 resignation with the executive secretary for the board. The
29 terms of the directors shall be staggered so that the terms of
30 one-third of the directors will expire annually.

31 (d) In the event of a vacancy on the board caused by

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1 other than the expiration of a term, a new member shall be
2 appointed by the appointing entity in the sector of which the
3 vacancy occurs.

4 (e) Each member is accountable to the Governor for the
5 proper performance of the duties of his or her office. The
6 Governor shall cause any complaint or unfavorable report
7 received concerning an action of the board or any of its
8 members to be investigated and shall take appropriate action
9 thereon. The Governor may remove any member from office for
10 malfeasance, misfeasance, neglect of duty, incompetence, or
11 permanent inability to perform his or her official duties or
12 for pleading nolo contendere to, or being found guilty of, a
13 crime.

14 (5) The Board of Directors of the Florida Education
15 Fund shall review and evaluate initial programs created by the
16 McKnight Foundation and continue funding the Black Doctorate
17 Fellowship Program and the Junior Fellowship Program if the
18 evaluation is positive, and the board shall identify,
19 initiate, and fund new and creative programs and monitor,
20 review, and evaluate those programs. The purpose of this
21 commitment is to broaden the participation and funding
22 potential for further significant support of higher education
23 in this state. In addition, the board shall:

24 (a) Hold such meetings as are necessary to implement
25 the provisions of this section.

26 (b) Select a chairperson annually.

27 (c) Adopt and use an official seal in the
28 authentication of its acts.

29 (d) Make rules for its own government.

30 (e) Administer this section.

31 (f) Appoint an executive director to serve at its

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1 pleasure and perform all duties assigned by the board. The
2 executive director shall be the chief administrative officer
3 and agent of the board.

4 (g) Maintain a record of its proceedings.

5 (h) Delegate to the chairperson of the board the
6 responsibility for signing final orders.

7 (i) Utilize existing higher education organizations,
8 associations, and agencies to carry out its educational
9 programs and purposes with minimal staff employment.

10 (j) Be empowered to enter into contracts with the
11 Federal Government, state agencies, or individuals.

12 (k) Receive bequests, gifts, grants, donations, and
13 other valued goods and services. Such bequests and gifts
14 shall be used only for the purpose or purposes stated by the
15 donor.

16 (6) The board of directors is authorized to establish
17 a trust fund from the proceeds of the Florida Education Fund.
18 All funds deposited into the trust fund shall be invested
19 pursuant to the provisions of s. 215.47. Interest income
20 accruing to the unused portion of the trust fund shall
21 increase the total funds available for endowments. The
22 Department of Education may, at the request of the board of
23 directors, administer the fund for investment purposes.

24 (7) It is the intent of the Legislature that the Board
25 of Directors of the Florida Education Fund recruit eligible
26 residents of the state before it extends its search to
27 eligible nonresidents. However, for the purposes of subsection
28 (8), the board of directors shall recruit eligible residents
29 only. It is further the intent of the Legislature that the
30 board of directors establish service terms, if any, that
31 accompany the award of moneys from the fund.

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1 (8) There is created a legal education component of
2 the Florida Education Fund to provide the opportunity for
3 minorities to attain representation within the legal
4 profession proportionate to their representation within the
5 general population. The legal education component of the
6 Florida Education Fund includes a law school program and a
7 pre-law program.

8 (a) The law school scholarship program of the Florida
9 Education Fund is to be administered by the Board of Directors
10 of the Florida Education Fund for the purpose of increasing by
11 200 the number of minority students enrolled in law schools in
12 this state. Implementation of this program is to be phased in
13 over a 3-year period.

14 1. The board of directors shall provide financial,
15 academic, and other support to students selected for
16 participation in this program from funds appropriated by the
17 Legislature.

18 2. Student selection must be made in accordance with
19 rules adopted by the board of directors for that purpose and
20 must be based, at least in part, on an assessment of potential
21 for success, merit, and financial need.

22 3. Support must be made available to students who
23 enroll in private, as well as public, law schools in this
24 state which are accredited by the American Bar Association.

25 4. Scholarships must be paid directly to the
26 participating students.

27 5. Students who participate in this program must agree
28 in writing to sit for The Florida Bar examination and, upon
29 successful admission to The Florida Bar, to either practice
30 law in the state for a period of time equal to the amount of
31 time for which the student received aid, up to 3 years, or

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1 repay the amount of aid received.

2 6. Annually the board of directors shall compile a
3 report that includes a description of the selection process,
4 an analysis of the academic progress of all scholarship
5 recipients, and an analysis of expenditures. This report must
6 be submitted to the President of the Senate, the Speaker of
7 the House of Representatives, and the Governor.

8 (b) The minority pre-law scholarship loan program of
9 the Florida Education Fund is to be administered by the Board
10 of Directors of the Florida Education Fund for the purpose of
11 increasing the opportunity of minority students to prepare for
12 law school.

13 1. From funds appropriated by the Legislature, the
14 board of directors shall provide for student fees, room,
15 board, books, supplies, and academic and other support to
16 selected minority undergraduate students matriculating at
17 eligible public and independent colleges and universities in
18 Florida.

19 2. Student selection must be made in accordance with
20 rules adopted by the board of directors for that purpose and
21 must be based, at least in part, on an assessment of potential
22 for success, merit, and financial need.

23 3. To be eligible, a student must make a written
24 agreement to enter or be accepted to enter a law school in
25 this state within 2 years after graduation or repay the
26 scholarship loan amount plus interest at the prevailing rate.

27 4. Recipients who fail to gain admission to a law
28 school within the specified period of time, may, upon
29 admission to law school, be eligible to have their loans
30 canceled.

31 5. Minority pre-law scholarship loans shall be

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1 provided to 34 minority students per year for up to 4 years
2 each, for a total of 136 scholarship loans. To continue
3 receipt of scholarship loans, recipients must maintain a 2.75
4 grade point average for the freshman year and a 3.25 grade
5 point average thereafter. Participants must also take
6 specialized courses to enhance competencies in English and
7 logic.

8 6. The board of directors shall maintain records on
9 all scholarship loan recipients. Participating institutions
10 shall submit academic progress reports to the board of
11 directors following each academic term. Annually, the board
12 of directors shall compile a report that includes a
13 description of the selection process, an analysis of the
14 academic progress of all scholarship loan recipients, and an
15 analysis of expenditures. This report must be submitted to
16 the President of the Senate, the Speaker of the House of
17 Representatives, and the Governor.

18 Section 454. Section 1009.72, Florida Statutes, is
19 created to read:

20 1009.72 Jose Marti Scholarship Challenge Grant
21 Program.--

22 (1) There is hereby established a Jose Marti
23 Scholarship Challenge Grant Program to be administered by the
24 Department of Education pursuant to this section and rules of
25 the State Board of Education. The program shall provide
26 matching grants for private sources that raise money for
27 scholarships to be awarded to Hispanic-American students.

28 (2) Funds appropriated by the Legislature for the
29 program shall be deposited in the State Student Financial
30 Assistance Trust Fund. The Comptroller shall authorize
31 expenditures from the trust fund upon receipt of vouchers

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1 approved by the Department of Education. All moneys collected
2 from private sources for the purposes of this section shall be
3 deposited into the trust fund. Any balance in the trust fund
4 at the end of any fiscal year that has been allocated to the
5 program shall remain therein and shall be available for
6 carrying out the purposes of the program.

7 (3) The Legislature shall designate funds to be
8 transferred to the trust fund for the program from the General
9 Revenue Fund. Such funds shall be divided into challenge
10 grants to be administered by the Department of Education. All
11 appropriated funds deposited into the trust fund for the
12 program shall be invested pursuant to the provisions of s.
13 18.125. Interest income accruing to that portion of the funds
14 that are allocated to the program in the trust fund and not
15 matched shall increase the total funds available for the
16 program.

17 (4) The amount appropriated to the trust fund for the
18 program shall be allocated by the department on the basis of
19 one \$5,000 challenge grant for each \$2,500 raised from private
20 sources. Matching funds shall be generated through
21 contributions made after July 1, 1986, 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.

25 (5)(a) In order to be eligible to receive a
26 scholarship pursuant to this section, an applicant shall:

27 1. Be a Hispanic-American, or a person of Spanish
28 culture with origins in Mexico, South America, Central
29 America, or the Caribbean, regardless of race.

30 2. Be a citizen of the United States and meet the
31 general requirements for student eligibility as provided in s.

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1 1009.40, except as otherwise provided in this section.

2 3. Be accepted at a state university or community
3 college or any Florida college or university that is
4 accredited by an association whose standards are comparable to
5 the minimum standards required to operate a postsecondary
6 education institution at that level in Florida.

7 4. Enroll as a full-time undergraduate or graduate
8 student.

9 5. Earn a 3.0 unweighted grade point average on a 4.0
10 scale, or the equivalent for high school subjects creditable
11 toward a diploma. If an applicant applies as a graduate
12 student, he or she shall have earned a 3.0 cumulative grade
13 point average for undergraduate college-level courses.

14 (b) In order to renew a scholarship awarded pursuant
15 to this section, a student must:

16 1. Earn a grade point average of at least 3.0 on a 4.0
17 scale for the previous term, maintain at least a 3.0 average
18 for college work, or have an average below 3.0 only for the
19 previous term and be eligible for continued enrollment at the
20 institution.

21 2. Maintain full-time enrollment.

22 (6) The annual scholarship to each recipient shall be
23 \$2,000. Priority in the distribution of scholarships shall be
24 given to students with the lowest total family resources.
25 Renewal scholarships shall take precedence over new awards in
26 any year in which funds are not sufficient to meet the total
27 need. No undergraduate student shall receive an award for
28 more than the equivalent of 8 semesters or 12 quarters over a
29 period of no more than 6 consecutive years, except as
30 otherwise provided in s. 1009.40(3). No graduate student
31 shall receive an award for more than the equivalent of 4

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1 semesters or 6 quarters.

2 (7) The criteria and procedure for establishing
3 standards of eligibility shall be determined by the
4 department. The department is directed to establish a rating
5 system upon which to base the approval of grants. Such system
6 shall include a certification of acceptability by the
7 postsecondary institution of the applicant's choice.

8 (8) Payment of scholarships shall be transmitted to
9 the president of the postsecondary institution that the
10 recipient is attending or to the president's designee. Should
11 a recipient terminate his or her enrollment during the
12 academic year, the president or his or her designee shall
13 refund the unused portion of the scholarship to the department
14 within 60 days. In the event that a recipient transfers from
15 one eligible institution to another, his or her scholarship
16 shall be transferable upon approval of the department.

17 (9) This section shall be implemented to the extent
18 funded and authorized by law.

19 Section 455. Section 1009.73, Florida Statutes, is
20 created to read:

21 1009.73 Mary McLeod Bethune Scholarship Program.--

22 (1) There is established the Mary McLeod Bethune
23 Scholarship Program to be administered by the Department of
24 Education pursuant to this section and rules of the State
25 Board of Education. The program shall provide matching grants
26 for private sources that raise money for scholarships to be
27 awarded to students who attend Florida Agricultural and
28 Mechanical University, Bethune-Cookman College, Edward Waters
29 College, or Florida Memorial College.

30 (2) Funds appropriated by the Legislature for the
31 program shall be deposited in the State Student Financial

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1 Assistance Trust Fund. The Comptroller shall authorize
2 expenditures from the trust fund upon receipt of vouchers
3 approved by the Department of Education. The Department of
4 Education shall receive all moneys collected from private
5 sources for the purposes of this section and shall deposit
6 such moneys into the trust fund. Notwithstanding the
7 provisions of s. 216.301 and pursuant to s. 216.351, any
8 balance in the trust fund at the end of any fiscal year that
9 has been allocated to the program shall remain in the trust
10 fund and shall be available for carrying out the purposes of
11 the program.

12 (3) The Legislature shall appropriate moneys to the
13 trust fund for the program from the General Revenue Fund. Such
14 moneys shall be applied to scholarships to be administered by
15 the Department of Education. All moneys deposited into the
16 trust fund for the program shall be invested pursuant to the
17 provisions of s. 18.125. Interest income accruing to the
18 program shall be expended to increase the total moneys
19 available for scholarships.

20 (4) The moneys in the trust fund for the program shall
21 be allocated by the department among the institutions of
22 higher education listed in subsection (1) on the basis of one
23 \$2,000 challenge grant for each \$1,000 raised from private
24 sources. Matching funds shall be generated through
25 contributions made after July 1, 1990, and pledged for the
26 purposes of this section. Pledged contributions shall not be
27 eligible for matching prior to the actual collection of the
28 total funds. The department shall allocate to each of those
29 institutions a proportionate share of the contributions
30 received on behalf of those institutions and a share of the
31 appropriations and matching funds generated by such

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1 institution.

2 (5)(a) In order to be eligible to receive a
3 scholarship pursuant to this section, an applicant must:

4 1. Meet the general eligibility requirements set forth
5 in s. 1009.40.

6 2. Be accepted at Florida Agricultural and Mechanical
7 University, Bethune-Cookman College, Edward Waters College, or
8 Florida Memorial College.

9 3. Enroll as a full-time undergraduate student.

10 4. Earn a 3.0 grade point average on a 4.0 scale, or
11 the equivalent, for high school subjects creditable toward a
12 diploma.

13 (b) In order to renew a scholarship awarded pursuant
14 to this section, a student must earn a minimum cumulative
15 grade point average of 3.0 on a 4.0 scale and complete 12
16 credits each term for which the student received the
17 scholarship.

18 (6) The amount of the scholarship to be granted to
19 each recipient is \$3,000 annually. Priority in the awarding
20 of scholarships shall be given to students having financial
21 need as determined by the institution. If funds are
22 insufficient to provide the full amount of the scholarship
23 authorized in this section to each eligible applicant, the
24 institution may prorate available funds and make a partial
25 award to each eligible applicant. A student may not receive an
26 award for more than the equivalent of 8 semesters or 12
27 quarters over a period of 6 consecutive years, except that a
28 student who is participating in college-preparatory
29 instruction or who requires additional time to complete the
30 college-level communication and computation skills testing
31 program may continue to receive a scholarship while enrolled

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1 for the purpose of receiving college-preparatory instruction
2 or while completing the testing program.

3 (7) The criteria and procedure for establishing
4 standards of eligibility shall be determined by the
5 department. The department shall establish a rating system
6 upon which the institutions shall award the scholarships. The
7 system must require a certification of eligibility issued by
8 the postsecondary institution selected by the applicant.

9 (8) Scholarship moneys shall be transmitted to the
10 president or the president's designee of the postsecondary
11 institution that the recipient is attending. The president or
12 his or her designee shall submit a report annually to the
13 Department of Education on the scholarships. If a recipient
14 terminates his or her enrollment during the academic year, the
15 president or his or her designee shall refund the unused
16 portion of the scholarship to the department within 60 days.
17 If a recipient transfers from one of the institutions listed
18 in subsection (1) to another of those institutions, the
19 recipient's scholarship is transferable upon approval of the
20 department.

21 (9) This section shall be implemented in any academic
22 year to the extent funded and authorized by law.

23 (10) The State Board of Education may adopt any rules
24 necessary to implement the provisions of this section.

25 Section 456. Section 1009.74, Florida Statutes, is
26 created to read:

27 1009.74 The Theodore R. and Vivian M. Johnson
28 Scholarship Program.--

29 (1) There is established the Theodore R. and Vivian M.
30 Johnson Scholarship Program to be administered by the
31 Department of Education. The program shall provide

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1 scholarships to students attending a state university. The
2 program shall be funded by contributions from the Theodore R.
3 and Vivian M. Johnson Scholarship Foundation and from state
4 matching funds to be allocated from the Trust Fund for Major
5 Gifts.

6 (2) The amount to be allocated to the program shall be
7 on the basis of a 50-percent match of funds from the Trust
8 Fund for Major Gifts for each contribution received from the
9 Theodore R. and Vivian M. Johnson Scholarship Foundation. The
10 funds allocated to the program, including the corpus and
11 interest income, shall be expended for scholarships to benefit
12 disabled students attending a state university.

13 (3) Students eligible for receipt of scholarship funds
14 shall provide documentation of a disability and shall have a
15 demonstrated financial need for the funds.

16 Section 457. Section 1009.76, Florida Statutes, is
17 created to read:

18 1009.76 Ethics in Business Scholarship Program for
19 state universities.--The Ethics in Business Scholarship
20 Program for state universities is hereby created, to be
21 administered by the Department of Education. Moneys
22 appropriated and allocated to university foundations for
23 purposes of the program shall be used to create endowments for
24 the purpose of providing scholarships to undergraduate college
25 students enrolled in state institutions of higher learning who
26 register for one or more credit hours in courses in business
27 ethics and who have demonstrated a commitment to serving the
28 interests of their community. First priority for awarding such
29 scholarships shall be given to students who demonstrate
30 financial need.

31 Section 458. Section 1009.765, Florida Statutes, is

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1 created to read:

2 1009.765 Ethics in Business scholarships for community
3 colleges and independent postsecondary educational
4 institutions.--When the Department of Insurance receives a \$6
5 million settlement as specified in the Consent Order of the
6 Treasurer and Insurance Commissioner, case number 18900-96-c,
7 that portion of the \$6 million not used to satisfy the
8 requirements of section 18 of the Consent Order must be
9 transferred from the Insurance Commissioner's Regulatory Trust
10 Fund to the State Student Financial Assistance Trust Fund is
11 appropriated from the State Student Financial Assistance Trust
12 Fund to provide Ethics in Business scholarships to students
13 enrolled in public community colleges and independent
14 postsecondary educational institutions eligible to participate
15 in the William L. Boyd, IV, Florida Resident Access Grant
16 Program under s. 1009.89. The funds shall be allocated to
17 institutions for scholarships in the following ratio:
18 Two-thirds for community colleges and one-third for eligible
19 independent institutions. The Department of Education shall
20 administer the scholarship program for students attending
21 community colleges and independent institutions. These funds
22 must be allocated to institutions that provide an equal amount
23 of matching funds generated by private donors for the purpose
24 of providing Ethics in Business scholarships. Public funds may
25 not be used to provide the match, nor may funds collected for
26 other purposes. Notwithstanding any other provision of law,
27 the State Board of Administration shall have the authority to
28 invest the funds appropriated under this section. The
29 Department of Education may adopt rules for administration of
30 the program.

31 Section 459. Section 1009.77, Florida Statutes, is

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1 created to read:

2 1009.77 Florida Work Experience Program.--

3 (1) There is established the Florida Work Experience
4 Program to be administered by the Department of Education. The
5 purpose of the program is to introduce eligible students to
6 work experience that will complement and reinforce their
7 educational program and career goals and provide a self-help
8 student aid program. Such program shall be available to:

9 (a) Any student attending a state university or
10 community college authorized by Florida law; or

11 (b) Any student attending a nonprofit Florida
12 postsecondary education institution that is eligible to
13 participate in either of the student assistance grant programs
14 established in ss. 1009.51 and 1009.52.

15 (2)(a) A participating institution may use up to 25
16 percent of its program allocation for student employment
17 within the institution.

18 (b) A participating institution may use up to 10
19 percent of its program allocation for program administration.

20 (3) Each participating institution is authorized to
21 enter into contractual agreements with private or public
22 employers for the purpose of establishing a Florida work
23 experience program.

24 (4) The participating postsecondary educational
25 institution shall be responsible for reimbursing employers for
26 student wages from moneys it receives from the trust fund
27 pursuant to subsection (8). Public elementary or secondary
28 school employers shall be reimbursed for 100 percent of the
29 student's wages by the participating institution. All other
30 employers shall be reimbursed for 70 percent of the student's
31 wages. When a college or university employs a student on

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1 campus through this program, other student financial aid funds
2 may not be used to fund the institution's 30-percent portion
3 of the student's wages.

4 (5) The employer is responsible for furnishing the
5 full cost of any mandatory benefits. Such benefits may not be
6 considered part of the 30-percent wage requirement total for
7 matching purposes.

8 (6) A student is eligible to participate in the
9 Florida Work Experience Program if the student:

10 (a) Is enrolled at an eligible college or university
11 as no less than a half-time undergraduate student in good
12 standing. However, a student may be employed during the break
13 between two consecutive terms or employed, although not
14 enrolled, during a term if the student was enrolled at least
15 half time during the preceding term and preregisters as no
16 less than a half-time student for the subsequent academic
17 term. A student who attends an institution that does not
18 provide preregistration shall provide documentation of intent
19 to enroll as no less than a half-time student for the
20 subsequent academic term.

21 (b) Meets the general requirements for student
22 eligibility as provided in s. 1009.40, except as otherwise
23 provided in this section.

24 (c) Demonstrates financial need.

25 (d) Maintains a 2.0 cumulative grade point average on
26 a 4.0 scale for all college work.

27 (7) The Department of Education shall prescribe such
28 rules for the program as are necessary for its administration,
29 for the determination of eligibility and selection of
30 institutions to receive funds for students, to ensure the
31 proper expenditure of funds, and to provide an equitable

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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 amount outstanding shall not exceed \$80 million, other than

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1 refunding bonds issued pursuant to s. 215.79.

2 Section 462. Section 1009.80, Florida Statutes, is
3 created to read:

4 1009.80 Approval of loans; administration of
5 program.--

6 (1) The loans to be made with the proceeds of the
7 program shall be determined and approved by the Department of
8 Education, pursuant to rules promulgated by the State Board of
9 Education. The program shall be administered by the
10 Department of Education as provided by law and the proceeds
11 thereof shall be maintained and secured in the same manner as
12 other public trust funds.

13 (2) The Department of Education may contract for the
14 purchase of federally insured student loans to be made by
15 other eligible lenders under the guaranteed student loan
16 program; however, any such loans must comply with all
17 applicable requirements of s. 15, Art. VII of the State
18 Constitution, ss. 1009.78-1009.88, the rules of the State
19 Board of Education relating to the guaranteed student loan
20 program, and the proceedings authorizing the student loan
21 revenue bonds, and the loans so purchased shall have been made
22 during the period specified in the contract.

23 (3) The Department of Education may sell loan notes
24 acquired pursuant to ss. 1009.78-1009.88 to the federally
25 created Student Loan Marketing Association or another
26 federally authorized holder of such notes. The department may
27 also repurchase loan notes from authorized holders of such
28 notes. The department shall comply with applicable federal
29 law and regulations and the provisions of any agreement with
30 the Student Loan Marketing Association or the other authorized
31 holders.

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1 Section 463. Section 1009.81, Florida Statutes, is
2 created to read:

3 1009.81 Loan agreements.--The Department of Education
4 may enter into loan agreements between the department and the
5 recipients of loans from the program for such periods and
6 under such other terms and conditions as may be prescribed by
7 the applicable rules and regulations and mutually agreed upon
8 by the parties thereto in order to carry out the purposes of
9 s. 15, Art. VII, State Constitution and ss. 1009.78-1009.88.

10 Section 464. Section 1009.82, Florida Statutes, is
11 created to read:

12 1009.82 Terms of loans.--The term of all authorized
13 loans shall be fixed by rules adopted by the state board and
14 the loan agreements to be entered into with the student
15 borrowers.

16 Section 465. Section 1009.83, Florida Statutes, is
17 created to read:

18 1009.83 Rate of interest and other charges.--The
19 Department of Education shall from time to time fix the
20 interest and other charges to be paid for any student loan, at
21 rates sufficient to pay the interest on revenue bonds issued
22 pursuant to ss. 1009.78-1009.88, plus any costs incident to
23 issuance, sale, security, and retirement thereof, including
24 administrative expenses.

25 Section 466. Section 1009.84, Florida Statutes, is
26 created to read:

27 1009.84 Procurement of insurance as security for
28 loans.--The Department of Education may contract with any
29 insurance company or companies licensed to do business in the
30 state for insurance payable in the event of the death or total
31 disability of any student borrower in an amount sufficient to

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1 retire the principal and interest owed under a loan made as
2 provided in ss. 1009.78-1009.88. The cost of any insurance
3 purchased under this section shall be paid by the student
4 borrower as a part of the handling charges for the loan or as
5 a separate item to be paid in connection with the loan.

6 Section 467. Section 1009.85, Florida Statutes, is
7 created to read:

8 1009.85 Participation in guaranteed student loan
9 program.--The State Board of Education shall adopt rules
10 necessary for participation in the guaranteed student loan
11 program, as provided by the Higher Education Act of 1965 (20
12 U.S.C. ss. 1071 et seq.), as amended or as may be amended. The
13 intent of this act is to authorize student loans when this
14 state, through the Department of Education, has become an
15 eligible lender under the provisions of the applicable federal
16 laws providing for the guarantee of loans to students and the
17 partial payment of interest on such loans by the United States
18 Government.

19 Section 468. Section 1009.86, Florida Statutes, is
20 created to read:

21 1009.86 Student Loan Operating Trust Fund.--
22 (1) The Student Loan Operating Trust Fund is hereby
23 created, to be administered by the Department of Education.
24 Funds shall be credited to the trust fund pursuant to the
25 Higher Education Act of 1965, as amended, from loan processing
26 and issuance fees, administrative cost allowances, account
27 maintenance fees, default aversion fees, amounts remaining
28 from collection of defaulted loans, amounts borrowed from the
29 Student Loan Guaranty Reserve Fund, and other amounts
30 specified in federal regulation. The purpose of the trust fund
31 is to segregate funds used for administration of the

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1 guaranteed student loan program from the reserve funds used to
2 guarantee student loans contained in the Student Loan Guaranty
3 Reserve Fund. The fund is exempt from the service charges
4 imposed by s. 215.20.

5 (2) Notwithstanding the provisions of s. 216.301 and
6 pursuant to s. 216.351, any balance in the trust fund at the
7 end of any fiscal year shall remain in the trust fund at the
8 end of the year and shall be available for carrying out the
9 purposes of the trust fund.

10 (3) Pursuant to the provisions of s. 19(f)(2), Art.
11 III of the State Constitution, the trust fund shall, unless
12 terminated sooner, be terminated on July 1, 2003. However,
13 prior to its scheduled termination, the trust fund shall be
14 reviewed as provided in s. 215.3206(1) and (2).

15 Section 469. Section 1009.87, Florida Statutes, is
16 created to read:

17 1009.87 Provisions of ss. 1009.78-1009.88
18 cumulative.--The provisions of ss. 1009.78-1009.88 shall be in
19 addition to the other provisions of this chapter and shall not
20 be construed to be in derogation thereof, except as otherwise
21 expressly provided hereby.

22 Section 470. Section 1009.88, Florida Statutes, is
23 created to read:

24 1009.88 Validation of bonds.--Revenue bonds issued
25 pursuant to ss. 1009.78-1009.88 shall be validated in the
26 manner provided by chapter 75. In actions to validate such
27 revenue bonds, the complaint shall be filed in the circuit
28 court of the county where the seat of state government is
29 situated, the notice required by s. 75.06 to be published
30 shall be published only in the county where the complaint is
31 filed, and the complaint and order of the circuit court shall

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1 be served only on the attorney of the circuit in which the
2 action is pending.

3 Section 471. Section 1009.89, Florida Statutes, is
4 created to read:

5 1009.89 The William L. Boyd, IV, Florida resident
6 access grants.--

7 (1) The Legislature finds and declares that
8 independent nonprofit colleges and universities eligible to
9 participate in the William L. Boyd, IV, Florida Resident
10 Access Grant Program are an integral part of the higher
11 education system in this state and that a significant number
12 of state residents choose this form of higher education. The
13 Legislature further finds that a strong and viable system of
14 independent nonprofit colleges and universities reduces the
15 tax burden on the citizens of the state. Because the William
16 L. Boyd, IV, Florida Resident Access Grant Program is not
17 related to a student's financial need or other criteria upon
18 which financial aid programs are based, it is the intent of
19 the Legislature that the William L. Boyd, IV, Florida Resident
20 Access Grant Program not be considered a financial aid program
21 but rather a tuition assistance program for its citizens.

22 (2) The William L. Boyd, IV, Florida Resident Access
23 Grant Program shall be administered by the Department of
24 Education. The State Board of Education shall adopt rules for
25 the administration of the program.

26 (3) The department shall issue through the program a
27 William L. Boyd, IV, Florida resident access grant to any
28 full-time degree-seeking undergraduate student registered at
29 an independent nonprofit college or university which is
30 located in and chartered by the state; which is accredited by
31 the Commission on Colleges of the Southern Association of

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1 Colleges and Schools; which grants baccalaureate degrees;
2 which is not a state university or state community college;
3 and which has a secular purpose, so long as the receipt of
4 state aid by students at the institution would not have the
5 primary effect of advancing or impeding religion or result in
6 an excessive entanglement between the state and any religious
7 sect. Any independent college or university that was eligible
8 to receive tuition vouchers on January 1, 1989, and which
9 continues to meet the criteria under which its eligibility was
10 established, shall remain eligible to receive William L. Boyd,
11 IV, Florida resident access grant payments.

12 (4) A person is eligible to receive such William L.
13 Boyd, IV, Florida resident access grant if:

14 (a) He or she meets the general requirements,
15 including residency, for student eligibility as provided in s.
16 1009.40, except as otherwise provided in this section; and

17 (b)1. He or she is enrolled as a full-time
18 undergraduate student at an eligible college or university;

19 2. He or she is not enrolled in a program of study
20 leading to a degree in theology or divinity; and

21 3. He or she is making satisfactory academic progress
22 as defined by the college or university in which he or she is
23 enrolled.

24 (5)(a) Funding for the William L. Boyd, IV, Florida
25 Resident Access Grant Program shall be based on a formula
26 composed of planned enrollment and the state cost of funding
27 undergraduate enrollment at public institutions pursuant to s.
28 1011.90. The amount of the William L. Boyd, IV, Florida
29 resident access grant issued to a full-time student shall be
30 an amount as specified in the General Appropriations Act. The
31 William L. Boyd, IV, Florida resident access grant may be paid

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1 on a prorated basis in advance of the registration period. The
2 department shall make such payments to the college or
3 university in which the student is enrolled for credit to the
4 student's account for payment of tuition and fees.
5 Institutions shall certify to the department the amount of
6 funds disbursed to each student and shall remit to the
7 department any undisbursed advances or refunds within 60 days
8 of the end of regular registration. Students shall not be
9 eligible to receive the award for more than 9 semesters or 14
10 quarters, except as otherwise provided in s. 1009.40(3).

11 (b) If the combined amount of the William L. Boyd, IV,
12 Florida resident access grant issued pursuant to this act and
13 all other scholarships and grants for tuition or fees exceeds
14 the amount charged to the student for tuition and fees, the
15 department shall reduce the William L. Boyd, IV, Florida
16 resident access grant issued pursuant to this act by an amount
17 equal to such excess.

18 (6) Funds appropriated by the Legislature for the
19 William L. Boyd, IV, Florida Resident Access Grant Program
20 shall be deposited in the State Student Financial Assistance
21 Trust Fund. Notwithstanding the provisions of s. 216.301 and
22 pursuant to s. 216.351, any balance in the trust fund at the
23 end of any fiscal year which has been allocated to the William
24 L. Boyd, IV, Florida Resident Access Grant Program shall
25 remain therein and shall be available for carrying out the
26 purposes of this section. If the number of eligible students
27 exceeds the total authorized in the General Appropriations
28 Act, an institution may use its own resources to assure that
29 each eligible student receives the full benefit of the grant
30 amount authorized.

31 Section 472. Part III.c. of chapter 1009, Florida

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1 Statutes, shall be entitled "Role of the Department of
2 Education" and shall consist of ss. 1009.90-1009.96.

3 Section 473. Section 1009.90, Florida Statutes, is
4 created to read:

5 1009.90 Duties of the Department of Education.--The
6 duties of the department shall include:

7 (1) Administration of this part and rules adopted by
8 the State Board of Education.

9 (2) Administration of federal funding, insurance, or
10 reinsurance in full compliance with applicable federal laws
11 and regulations.

12 (3) Development of written administrative procedures
13 and controls for the administration of each financial aid
14 program conducted by the office, maintenance of program
15 records and documents, timely collection and remittance of
16 insurance premiums, and timely assignment of defaulted loans
17 to collection agencies.

18 (4) Annual compilation of sources of financial aid
19 available to students in this state.

20 (5) Biennial analysis of the amount of available
21 financial aid moneys and the effect of such moneys on student
22 access to postsecondary institutions.

23 (6) Biennial internal evaluation of the administrative
24 efficiency and effectiveness of the office.

25 (7) Annual assessment of the accuracy of eligibility
26 information from a random sample of award recipients.

27 (8) Annual review of procedures for the distribution
28 of state financial aid funds.

29 (9) Development and submission of a report, annually,
30 to the State Board of Education, the President of the Senate,
31 and the Speaker of the House of Representatives, which shall

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1 include, but not be limited to, recommendations for the
2 distribution of state financial aid funds.

3 (10) Development and evaluation of a comprehensive,
4 long-range program of all sources of student financial aid.

5 (11) Dissemination of information on available
6 financial aid programs to district school superintendents and
7 other persons who request such information.

8 (12) Calculation of the amount of need-based student
9 financial aid required to offset fee increases recommended by
10 the State Board of Education and inclusion of such amount
11 within the legislative budget request for student assistance
12 grant programs.

13 Section 474. Section 1009.91, Florida Statutes, is
14 created to read:

15 1009.91 Assistance programs and activities of the
16 department.--

17 (1) The department may contract for the administration
18 of the student financial assistance programs as specifically
19 provided in ss. 295.01, 1009.29, 1009.56, and 1009.78.

20 (2) The department may contract to provide the
21 planning and development activities required pursuant to the
22 provisions of this part.

23 (3) The department shall administer the guarantee of
24 student loans made by participating commercial financial
25 institutions in such a manner as to fully comply with
26 applicable provisions of the Higher Education Act of 1965, as
27 amended, relating to loan reinsurance.

28 (4) The department shall maintain records on the
29 student loan default rate of each Florida postsecondary
30 institution and report that information annually to both the
31 institution and the State Board of Education.

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1 Section 475. Section 1009.92, Florida Statutes, is
2 created to read:

3 1009.92 Funding for programs administered by the
4 department.--

5 (1) In the preparation of its annual budget, the
6 department shall request that the Legislature continue to
7 provide funding for applicable programs from the General
8 Revenue Fund.

9 (2) The department is authorized to expend moneys from
10 available trust funds in applicable student financial
11 assistance programs.

12 (3) There is created a Student Loan Guaranty Reserve
13 Fund, which shall be administered by the department in
14 carrying out the provisions of this act.

15 (4) The principal sources of operating funds shall be
16 from the earnings from the temporary investment of the Student
17 Loan Guaranty Reserve Fund and from compensation for services
18 performed under contract for the administration of student
19 financial assistance programs pursuant to s. 1009.91.

20 (5) The department is authorized to accept grant funds
21 under the Leveraging Educational Assistance Program and
22 Supplemental Leveraging Educational Assistance Program of the
23 Federal Government, as provided by the Higher Education Act of
24 1965, as amended.

25 (6) The department is authorized to accept federal
26 advances for the establishment of the Student Loan Guaranty
27 Reserve Fund pursuant to the Higher Education Act of 1965, as
28 amended, under agreement with the United States Commissioner
29 of Education and to maintain such advances until recalled by
30 the United States Commissioner of Education.

31 (7) The department is authorized to assess a student

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1 loan insurance premium on each loan guaranteed by the
2 department. The amount of insurance premium will be determined
3 by the department in the amount sufficient to maintain the
4 pledged level of reserve funds but in no event may the amount
5 of the insurance premium exceed the maximum provided by
6 federal law.

7 (8) The department shall invest, or contract for the
8 temporary investment of, any unencumbered cash, and the
9 interest earned therefrom, except as otherwise provided for by
10 law or covenant, shall accrue to the Student Loan Guaranty
11 Reserve Fund or for the administration of financial aid
12 programs.

13 Section 476. Section 1009.93, Florida Statutes, is
14 created to read:

15 1009.93 Student financial aid planning and
16 development.--

17 (1) The department shall administer a student
18 financial aid planning and development program. It is the
19 intent of the Legislature that a specific sum of funds be
20 allocated each year for the purpose of sponsoring the design,
21 development, and implementation of a comprehensive program of
22 student financial aid and of initiating activities of
23 inservice training for student financial aid administrators
24 and activities to encourage maximum lender participation in
25 guaranteed loans.

26 (2) The objective of a state program is the
27 maintenance of a state student financial aid program to
28 supplement a basic national program which will provide equal
29 access to postsecondary education to citizens of this state
30 who have the ability and motivation to benefit from a
31 postsecondary education. In the development of a state program

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1 to achieve this objective, it shall be the policy that:

2 (a) State student financial aid be provided primarily
3 on the basis of financial need;

4 (b) Students receiving need-based financial aid be
5 expected to contribute toward their cost of education through
6 self-help resources such as savings, work, and loans;

7 (c) Student financial aid be available to state
8 residents for attendance at accredited public or private
9 institutions of higher education in this state;

10 (d) Student financial aid be provided for all levels
11 of postsecondary education; and

12 (e) State student financial aid be administered by a
13 central state agency.

14
15 Planning and development must be in accordance with the
16 foregoing objective and policies.

17 (3) The planning and development procedures shall
18 provide for:

19 (a) The review of public policy;

20 (b) The development of performance objectives;

21 (c) The development of alternate approaches;

22 (d) The evaluation of performance; and

23 (e) The participation and involvement in the planning
24 process of representatives of the groups affected by a state
25 program of student financial aid.

26 (4) The State Board of Education shall adopt rules
27 providing for the verification of the independent status of
28 state financial aid recipients.

29 (5) The department shall encourage industry and
30 education linkages through the development of temporary
31 employment opportunities for students attending postsecondary

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1 institutions in this state.

2 Section 477. Section 1009.94, Florida Statutes, is
3 created to read:

4 1009.94 Student financial assistance database.--

5 (1) The Department of Education shall design and
6 maintain a student financial assistance database that can be
7 used to support all aspects of the administration and delivery
8 of state-funded student financial aid. In addition, the
9 database must have the capability of providing policymakers
10 with comprehensive information regarding the various financial
11 assistance programs available to students attending Florida
12 postsecondary education institutions.

13 (2) For purposes of this section, financial assistance
14 includes:

15 (a) For all students, any scholarship, grant, loan,
16 fee waiver, tuition assistance payment, or other form of
17 compensation provided from state or federal funds.

18 (b) For students attending public institutions, any
19 scholarship, grant, loan, fee waiver, tuition assistance
20 payment, or other form of compensation supported by
21 institutional funds.

22 (3) The database must include records on any student
23 receiving any form of financial assistance as described in
24 subsection (2). Institutions participating in any state
25 financial assistance program shall annually submit such
26 information to the Department of Education in a format
27 prescribed by the department and consistent with the
28 provisions of s. 1002.22.

29 Section 478. Section 1009.95, Florida Statutes, is
30 created to read:

31 1009.95 Delinquent accounts.--

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1 (1) The Department of Education is directed to exert
2 every lawful and reasonable effort to collect all delinquent
3 unpaid and uncanceled scholarship loan notes, student loan
4 notes, and defaulted guaranteed loan notes.

5 (2) The department may establish a recovery account
6 into which unpaid and uncanceled scholarship loan note,
7 student loan note, and defaulted guaranteed loan note accounts
8 may be transferred.

9 (3) The department may settle any delinquent unpaid
10 and uncanceled scholarship loan notes, student loan notes, and
11 defaulted guaranteed loan notes and employ the service of a
12 collection agent when deemed advisable in collecting
13 delinquent or defaulted accounts. However, no collection agent
14 may be paid a commission in excess of 35 percent of the amount
15 collected. Any expense incurred by the department in enforcing
16 the collection of a loan note may be borne by the signer of
17 the note and may be added to the amount of the principal of
18 such note.

19 (4) The department may charge off unpaid and
20 uncanceled scholarship loan notes and student loan notes which
21 are at least 3 years delinquent and which prove uncollectible
22 after good faith collection efforts. However, a delinquent
23 account with a past due balance of \$25 or less may be charged
24 off as uncollectible when it becomes 6 months past due and the
25 cost of further collection effort or assignment to a
26 collection agent would not be warranted.

27 (5) No individual borrower who has been determined to
28 be in default in making legally required scholarship loan,
29 student loan, or guaranteed loan repayments shall be furnished
30 with his or her academic transcripts or other student records
31 until such time as the loan is paid in full or the default

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1 status has been removed.

2 (6) The department may charge an individual borrower
3 who has been determined to be in default in making legally
4 required loan repayments the maximum interest rate authorized
5 by law.

6 (7) The State Board of Education shall adopt such
7 rules as are necessary to regulate the collection, settlement,
8 and charging off of delinquent unpaid and uncanceled
9 scholarship loan notes, student loan notes, and defaulted
10 guaranteed loan notes.

11 Section 479. Section 1009.96, Florida Statutes, is
12 created to read:

13 1009.96 Annual review of financial assistance
14 programs.--All new and existing financial assistance programs
15 authorized under this chapter which are not funded for 3
16 consecutive years after enactment shall stand repealed.
17 Financial assistance programs provided under this part on July
18 1, 1992, which lose funding for 3 consecutive years shall
19 stand repealed. The Department of Education shall annually
20 review the legislative appropriation for financial assistance
21 programs to identify such programs.

22 Section 480. Part IV of chapter 1009, Florida
23 Statutes, shall be entitled "Prepaid College Board Programs"
24 and shall consist of ss. 1009.97-1009.984.

25 Section 481. Section 1009.97, Florida Statutes, is
26 created to read:

27 1009.97 General provisions.--

28 (1) LEGISLATIVE FINDING; EDUCATIONAL OPPORTUNITY.--The
29 Legislature recognizes that educational opportunity at the
30 postsecondary level is a critical state interest and is best
31 ensured through the provision of postsecondary institutions

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1 that are geographically and financially accessible, that
2 affordability and accessibility of higher education are
3 essential to the welfare and well-being of the residents of
4 the state and are a critical state interest, and that
5 promoting and enhancing financial access to postsecondary
6 institutions serve a legitimate public purpose.

7 (2) LEGISLATIVE INTENT.--It is the intent of the
8 Legislature that a prepaid program be established through
9 which many of the costs associated with postsecondary
10 attendance may be paid in advance and fixed at a guaranteed
11 level for the duration of undergraduate enrollment and that
12 this program fosters timely financial planning for
13 postsecondary attendance and to encourage employer
14 participation in such planning through program contributions
15 on behalf of employees and the dependents of employees. It is
16 further the intent of the Legislature that a savings program
17 be established as a supplement and alternative to the prepaid
18 program to allow persons to make contributions to a trust
19 account to meet some or all of the qualified higher education
20 expenses of a designated beneficiary, consistent with federal
21 law authorizing such programs, but without a guarantee by the
22 state that such contributions, together with the investment
23 return on such contributions, if any, will be adequate to pay
24 for qualified higher education expenses, to enable
25 participants to save for qualified higher education expenses,
26 and to provide a choice to persons who determine that the
27 overall educational needs of their families are best suited to
28 a savings program or who wish to save to meet postsecondary
29 educational needs beyond the traditional 4-year curriculum.
30 Finally, the Legislature intends that the prepaid program and
31 the savings program be conducted in a manner to maximize

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1 program efficiency and effectiveness.

2 (3) DEFINITIONS.--As used in ss. 1009.97-1009.984, the
3 term:

4 (a) "Advance payment contract" means a contract
5 entered into by the board and a purchaser pursuant to s.
6 1009.98.

7 (b) "Board" means the Florida Prepaid College Board.

8 (c) "Trust fund" means the Florida Prepaid College
9 Trust Fund.

10 (d) "Prepaid program" means the Florida Prepaid
11 College Program established pursuant to s. 1009.98.

12 (e) "Purchaser" means a person who makes or is
13 obligated to make advance registration or dormitory residence
14 payments in accordance with an advance payment contract.

15 (f) "Qualified beneficiary" means:

16 1. A resident of this state at the time a purchaser
17 enters into an advance payment contract on behalf of the
18 resident;

19 2. A nonresident who is the child of a noncustodial
20 parent who is a resident of this state at the time that such
21 parent enters into an advance payment contract on behalf of
22 the child; or

23 3. For purposes of advance payment contracts entered
24 into pursuant to s. 1009.983, a graduate of an accredited high
25 school in this state who is a resident of this state at the
26 time he or she is designated to receive the benefits of the
27 advance payment contract.

28 (g) "Registration fee" means tuition fee, financial
29 aid fee, building fee, and Capital Improvement Trust Fund fee.

30 (h) "State postsecondary institution" means any public
31 community college or state university.

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1 (i) "Benefactor" means any person making a deposit,
2 payment, contribution, gift, or other expenditure into the
3 savings program.

4 (j) "Designated beneficiary" means:

5 1. Any individual designated in the participation
6 agreement;

7 2. Any individual defined in s. 152(a)(1)-(8) of the
8 Internal Revenue Code; or

9 3. Any individual receiving a scholarship from
10 interests in the program purchased by a state or local
11 government or an organization described in s. 501(c)(3) of the
12 Internal Revenue Code.

13 (k) "Eligible educational institution" means an
14 institution of higher education that qualifies under s. 529 of
15 the Internal Revenue Code as an eligible educational
16 institution.

17 (l) "Internal Revenue Code" means the Internal Revenue
18 Code of 1986, as defined in s. 220.03(1), and regulations
19 adopted pursuant thereto.

20 (m) "Participation agreement" means an agreement
21 between the board and a benefactor for participation in the
22 savings program for a designated beneficiary.

23 (n) "Savings program" means the Florida College
24 Savings Program established pursuant to s. 1009.981.

25 (o) "Qualified higher education expenses" means higher
26 education expenses permitted under s. 529 of the Internal
27 Revenue Code and required for the enrollment or attendance of
28 a designated beneficiary at an eligible educational
29 institution, including undergraduate and graduate schools, and
30 any other higher education expenses that are permitted under
31 s. 529 of the Internal Revenue Code.

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1 (p) "Prepaid fund" means the fund within the trust
2 fund into which moneys belonging to the prepaid program are
3 deposited and held.

4 (q) "Savings fund" means the fund within the trust
5 fund into which moneys belonging to the savings program are
6 deposited and held.

7 Section 482. Section 1009.971, Florida Statutes, is
8 created to read:

9 1009.971 Florida Prepaid College Board.--

10 (1) FLORIDA PREPAID COLLEGE BOARD; CREATION.--The
11 Florida Prepaid College Board is hereby created as a body
12 corporate with all the powers of a body corporate for the
13 purposes delineated in this section. The board shall
14 administer the prepaid program and the savings program, and
15 shall perform essential governmental functions as provided in
16 ss. 1009.97-1009.984. For the purposes of s. 6, Art. IV of the
17 State Constitution, the board shall be assigned to and
18 administratively housed within the State Board of
19 Administration, but it shall independently exercise the powers
20 and duties specified in ss. 1009.97-1009.984.

21 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The
22 board shall consist of seven members to be composed of the
23 Attorney General, the Chief Financial Officer, the Deputy
24 Commissioner of Colleges and Universities, the Deputy
25 Commissioner of Community Colleges, and three members
26 appointed by the Governor and subject to confirmation by the
27 Senate. Each member appointed by the Governor shall possess
28 knowledge, skill, and experience in the areas of accounting,
29 actuary, risk management, or investment management. Each
30 member of the board not appointed by the Governor may name a
31 designee to serve on the board on behalf of the member;

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1 however, any designee so named shall meet the qualifications
2 required of gubernatorial appointees to the board. Members
3 appointed by the Governor shall serve terms of 3 years. Any
4 person appointed to fill a vacancy on the board shall be
5 appointed in a like manner and shall serve for only the
6 unexpired term. Any member shall be eligible for reappointment
7 and shall serve until a successor qualifies. Members of the
8 board shall serve without compensation but shall be reimbursed
9 for per diem and travel in accordance with s. 112.061. Each
10 member of the board shall file a full and public disclosure of
11 his or her financial interests pursuant to s. 8, Art. II of
12 the State Constitution and corresponding statute.

13 (3) FLORIDA PREPAID COLLEGE BOARD; ELECTIONS;
14 MEETINGS.--The board shall annually elect a board member to
15 serve as chair and a board member to serve as vice chair and
16 shall designate a secretary-treasurer who need not be a member
17 of the board. The secretary-treasurer shall keep a record of
18 the proceedings of the board and shall be the custodian of all
19 printed material filed with or by the board and of its
20 official seal. Notwithstanding the existence of vacancies on
21 the board, a majority of the members shall constitute a
22 quorum. The board shall take no official action in the absence
23 of a quorum. The board shall meet, at a minimum, on a
24 quarterly basis at the call of the chair.

25 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND
26 DUTIES.--The board shall have the powers and duties necessary
27 or proper to carry out the provisions of ss. 1009.97-1009.984,
28 including, but not limited to, the power and duty to:

29 (a) Appoint an executive director to serve as the
30 chief administrative and operational officer of the board and
31 to perform other duties assigned to him or her by the board.

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1 (b) Adopt an official seal and rules.

2 (c) Sue and be sued.

3 (d) Make and execute contracts and other necessary
4 instruments.

5 (e) Establish agreements or other transactions with
6 federal, state, and local agencies, including state
7 universities and community colleges.

8 (f) Administer the trust fund in a manner that is
9 sufficiently actuarially sound to defray the obligations of
10 the prepaid program and the savings program, considering the
11 separate purposes and objectives of each program. The board
12 shall annually evaluate or cause to be evaluated the actuarial
13 soundness of the prepaid fund. If the board perceives a need
14 for additional assets in order to preserve actuarial soundness
15 of the prepaid program, the board may adjust the terms of
16 subsequent advance payment contracts to ensure such soundness.

17 (g) Invest funds not required for immediate
18 disbursement.

19 (h) Appear in its own behalf before boards,
20 commissions, or other governmental agencies.

21 (i) Hold, buy, and sell any instruments, obligations,
22 securities, and property determined appropriate by the board.

23 (j) Require a reasonable length of state residence for
24 qualified beneficiaries.

25 (k) Segregate contributions and payments to the trust
26 fund into the appropriate fund.

27 (l) Procure and contract for goods and services,
28 employ personnel, and engage the services of private
29 consultants, actuaries, managers, legal counsel, and auditors
30 in a manner determined to be necessary and appropriate by the
31 board.

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1 (m) Solicit and accept gifts, grants, loans, and other
2 aids from any source or participate in any other way in any
3 government program to carry out the purposes of ss.
4 1009.97-1009.984.

5 (n) Require and collect administrative fees and
6 charges in connection with any transaction and impose
7 reasonable penalties, including default, for delinquent
8 payments or for entering into an advance payment contract or a
9 participation agreement on a fraudulent basis.

10 (o) Procure insurance against any loss in connection
11 with the property, assets, and activities of the trust fund or
12 the board.

13 (p) Impose reasonable time limits on use of the
14 benefits provided by the prepaid program or savings program.
15 However, any such limitations shall be specified within the
16 advance payment contract or the participation agreement,
17 respectively.

18 (q) Delineate the terms and conditions under which
19 payments may be withdrawn from the trust fund and impose
20 reasonable fees and charges for such withdrawal. Such terms
21 and conditions shall be specified within the advance payment
22 contract or the participation agreement.

23 (r) Provide for the receipt of contributions in lump
24 sums or installment payments.

25 (s) Require that purchasers of advance payment
26 contracts or benefactors of participation agreements verify,
27 under oath, any requests for contract conversions,
28 substitutions, transfers, cancellations, refund requests, or
29 contract changes of any nature. Verification shall be
30 accomplished as authorized and provided for in s.
31 92.525(1)(a).

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1 (t) Delegate responsibility for administration of one
2 or both of the comprehensive investment plans required in s.
3 1009.973 to persons the board determines to be qualified. Such
4 persons shall be compensated by the board.

5 (u) Endorse insurance coverage written exclusively for
6 the purpose of protecting advance payment contracts, and
7 participation agreements, and the purchasers, benefactors, and
8 beneficiaries thereof, including group life policies and group
9 disability policies, which are exempt from the provisions of
10 part V of chapter 627.

11 (v) Form strategic alliances with public and private
12 entities to provide benefits to the prepaid program, savings
13 program, and participants of either or both programs.

14 (w) Solicit proposals and contract, pursuant to s.
15 287.057, for the marketing of the prepaid program or the
16 savings program, or both together. Any materials produced for
17 the purpose of marketing the prepaid program or the savings
18 program shall be submitted to the board for review. No such
19 materials shall be made available to the public before the
20 materials are approved by the board. Any educational
21 institution may distribute marketing materials produced for
22 the prepaid program or the savings program; however, all such
23 materials shall be approved by the board prior to
24 distribution. Neither the state nor the board shall be liable
25 for misrepresentation of the prepaid program or the savings
26 program by a marketing agent.

27 (x) Establish other policies, procedures, and criteria
28 to implement and administer the provisions of ss.
29 1009.97-1009.984.

30 (y) Adopt procedures to govern contract dispute
31 proceedings between the board and its vendors.

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1 (5) FLORIDA PREPAID COLLEGE BOARD; CONTRACTUAL
2 SERVICES.--The board shall solicit proposals and contract,
3 pursuant to s. 287.057, for:
4 (a) The services of records administrators.
5 (b) Investment consultants to review the performance
6 of the board's investment managers and advise the board on
7 investment management and performance and investment policy,
8 including the contents of the comprehensive investment plans.
9 (c) Trustee services firms to provide trustee and
10 related services to the board. The trustee services firm shall
11 agree to meet the obligations of the board to qualified
12 beneficiaries if moneys in the fund fail to offset the
13 obligations of the board as a result of imprudent selection or
14 supervision of investment programs by such firm.
15 (d) Investment managers to provide investment
16 portfolios for the prepaid program or the savings program.
17 Investment managers shall be limited to authorized insurers as
18 defined in s. 624.09, banks as defined in s. 658.12,
19 associations as defined in s. 665.012, authorized Securities
20 and Exchange Commission investment advisers, and investment
21 companies as defined in the Investment Company Act of 1940.
22 All investment managers shall have their principal place of
23 business and corporate charter located and registered in the
24 United States. In addition, each investment manager shall
25 agree to meet the obligations of the board to qualified
26 beneficiaries if moneys in the fund fail to offset the
27 obligations of the board as a result of imprudent investing by
28 such provider. Each authorized insurer shall evidence superior
29 performance overall on an acceptable level of surety in
30 meeting its obligations to its policyholders and other
31 contractual obligations. Only qualified public depositories

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1 approved by the Insurance Commissioner and Treasurer shall be
2 eligible for board consideration. Each investment company
3 shall provide investment plans as specified within the request
4 for proposals.

5
6 The goals of the board in procuring such services shall be to
7 provide all purchasers and benefactors with the most secure,
8 well-diversified, and beneficially administered prepaid
9 program or savings program possible, to allow all qualified
10 firms interested in providing such services equal
11 consideration, and to provide such services to the state at no
12 cost and to the purchasers and benefactors at the lowest cost
13 possible. Evaluations of proposals submitted pursuant to this
14 subsection shall include, but not be limited to, fees and
15 other costs that are charged to purchasers or benefactors that
16 affect account values, or that impact the operational costs of
17 the prepaid program or the savings program; past experience
18 and past performance in providing the required services;
19 financial history and current financial strength and capital
20 adequacy to provide the required services; and capabilities
21 and experience of the proposed personnel that will provide the
22 required services.

23 (6) QUALIFIED TUITION PROGRAM STATUS.--Notwithstanding
24 any other provision of ss. 1009.97-1009.984, the board may
25 adopt rules necessary for the prepaid program and the savings
26 program each to retain its status as a "qualified tuition
27 program" in order to maintain its tax exempt status or other
28 similar status of the program, purchasers, and qualified
29 beneficiaries under the Internal Revenue Code. The board shall
30 inform participants in the prepaid program and the savings
31 program of changes to the tax or securities status of advance

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1 purchase contracts and participation agreements.

2 Section 483. Section 1009.972, Florida Statutes, is
3 created to read:

4 1009.972 Florida Prepaid College Trust Fund.--

5 (1) There is created within the State Board of
6 Administration the Florida Prepaid College Trust Fund. The
7 trust fund shall be segregated into two separate funds, the
8 prepaid fund and the savings fund.

9 (2) The prepaid fund shall consist of state
10 appropriations, moneys acquired from other governmental or
11 private sources for the prepaid program, and moneys remitted
12 in accordance with advance payment contracts. Dividends,
13 interest, and gains accruing to the prepaid fund shall
14 increase the total funds available for the prepaid program. If
15 dividends, interest, and gains for the prepaid fund exceed the
16 amount necessary for program administration and disbursements,
17 the board may designate an additional percentage of the
18 prepaid fund to serve as a contingency fund.

19 (3) The savings fund shall consist of appropriations,
20 moneys acquired from other governmental or private sources for
21 the savings program, and moneys remitted in accordance with
22 participation agreements. The amounts on deposit in the
23 savings fund shall remain therein and shall be available
24 solely for carrying out the purposes of the savings program.

25 (4) Any balance contained within the trust fund, and
26 within each fund in the trust fund, at the end of a fiscal
27 year shall remain therein and shall be available for carrying
28 out the purposes of each respective program and the
29 direct-support organization established pursuant to s.
30 1009.983. Moneys contained within the trust fund shall be
31 exempt from the investment requirements of s. 18.10. All funds

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1 deposited in the prepaid fund may be invested pursuant to s.
2 215.47. Any funds of a direct-support organization created
3 pursuant to s. 1009.983 shall be exempt from the provisions of
4 this section.

5 (5) Notwithstanding the provisions of chapter 717,
6 funds associated with terminated advance payment contracts
7 pursuant to s. 1009.98(4)(k) and canceled contracts for which
8 no refunds have been claimed shall be retained by the board.
9 The board shall establish procedures for notifying purchasers
10 who subsequently cancel their advance payment contracts of any
11 unclaimed refund and shall establish a time period after which
12 no refund may be claimed by a purchaser who canceled a
13 contract. The board may transfer funds retained from such
14 terminated advance payment contracts and cancelled contracts
15 to the Florida Prepaid Tuition Scholarship Program to provide
16 matching funds for prepaid tuition scholarships for
17 economically disadvantaged youth that remain drug free and
18 crime free.

19 (6) The assets of the prepaid fund and the savings
20 fund shall be maintained, invested, and expended solely for
21 the purposes of the prepaid program and the savings program,
22 respectively, and shall not be loaned, transferred, or
23 otherwise used by the state for any purpose other than the
24 purposes of ss. 1009.97-1009.984. This subsection shall not be
25 construed to prohibit the board from investing in, by purchase
26 or otherwise, bonds, notes, or other obligations of the state
27 or an agency or instrumentality of the state. Unless otherwise
28 specified by the board, assets of the prepaid fund and the
29 savings fund shall be expended in the following order of
30 priority:

31 (a) To make payments to state postsecondary

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1 institutions on behalf of qualified beneficiaries or
2 designated beneficiaries.

3 (b) To make refunds upon termination of advance
4 payment contracts or participation agreements.

5 (c) To pay the costs of administration and operations
6 for the prepaid program and the savings program.

7 Section 484. Section 1009.973, Florida Statutes, is
8 created to read:

9 1009.973 Comprehensive investment plans.--The Florida
10 Prepaid College Board shall establish separate comprehensive
11 investment plans for the prepaid program and for the savings
12 program, each subject to the approval of the State Board of
13 Administration. Each comprehensive investment plan shall
14 specify the investment policies to be utilized by the board in
15 its administration of each respective program. The board may
16 place assets of each program in investment products pursuant
17 to the comprehensive investment plan for each respective
18 program and in such proportions as may be designated or
19 approved under the plan for each respective program. Such
20 products shall be underwritten and offered in compliance with
21 the applicable federal and state laws, regulations, and rules
22 by persons authorized by applicable federal and state
23 authorities. A purchaser may not direct the investment of his
24 or her contribution to the prepaid program. A benefactor or
25 designated beneficiary may not direct the investment of any
26 contributions to the savings program other than the specific
27 fund options provided by the board, if any. Board members and
28 employees of the board are not prohibited from purchasing
29 advance payment contracts or entering into participation
30 agreements by virtue of their fiduciary responsibilities as
31 members of the board or official duties as employees of the

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1 board.

2 Section 485. Section 1009.974, Florida Statutes, is
3 created to read:

4 1009.974 Exemption from claims of creditors.--Moneys
5 paid into or out of the trust fund by or on behalf of a
6 purchaser or qualified beneficiary of an advance payment
7 contract or benefactor or designated beneficiary of a
8 participation agreement are exempt, as provided by s. 222.22,
9 from all claims of creditors of the purchaser or the qualified
10 beneficiary of an advance payment contract or the benefactor
11 or designated beneficiary of a participation agreement,
12 respectively, provided that the advance payment contract or
13 participation agreement has not been terminated. Neither
14 moneys paid into the prepaid program or savings program nor
15 benefits accrued through the prepaid program or savings
16 program may be pledged for the purpose of securing a loan.

17 Section 486. Section 1009.975, Florida Statutes, is
18 created to read:

19 1009.975 Payroll deduction authority.--The state or
20 any state agency, county, municipality, or other political
21 subdivision may, by contract or collective bargaining
22 agreement, agree with any employee to remit payments toward
23 advance payment contracts or participation agreements through
24 payroll deductions made by the appropriate officer or officers
25 of the state, state agency, county, municipality, or political
26 subdivision. Such payments shall be held and administered in
27 accordance with ss. 1009.97-1009.984.

28 Section 487. Section 1009.976, Florida Statutes, is
29 created to read:

30 1009.976 Annual report.--On or before March 31 of each
31 year, the Florida Prepaid College Board shall prepare or cause

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1 to be prepared separate reports setting forth in appropriate
2 detail an accounting of the prepaid program and the savings
3 program which include a description of the financial condition
4 of each respective program at the close of the fiscal year.
5 The board shall submit copies of the reports to the Governor,
6 the President of the Senate, the Speaker of the House of
7 Representatives, and the minority leaders of the House and
8 Senate and shall make the report for the prepaid program
9 available to each purchaser and the report for the savings
10 program available to each benefactor and designated
11 beneficiary. The accounts of the fund for the prepaid program
12 and the savings program shall be subject to annual audits by
13 the Auditor General.

14 Section 488. Section 1009.98, Florida Statutes, is
15 created to read:

16 1009.98 Florida Prepaid College Program.--

17 (1) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There
18 is created a Florida Prepaid College Program to provide a
19 medium through which the cost of registration and dormitory
20 residence may be paid in advance of enrollment in a state
21 postsecondary institution at a rate lower than the projected
22 corresponding cost at the time of actual enrollment. Such
23 payments shall be combined and invested in a manner that
24 yields, at a minimum, sufficient interest to generate the
25 difference between the prepaid amount and the cost of
26 registration and dormitory residence at the time of actual
27 enrollment. Students who enroll in a state postsecondary
28 institution pursuant to this section shall be charged no fees
29 in excess of the terms delineated in the advance payment
30 contract.

31 (2) PREPAID COLLEGE PLANS.--At a minimum, the board

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1 shall make advance payment contracts available for two
2 independent plans to be known as the community college plan
3 and the university plan. The board may also make advance
4 payment contracts available for a dormitory residence plan.
5 The board may restrict the number of participants in the
6 community college plan, university plan, and dormitory
7 residence plan, respectively. However, any person denied
8 participation solely on the basis of such restriction shall be
9 granted priority for participation during the succeeding year.

10 (a)1. Through the community college plan, the advance
11 payment contract shall provide prepaid registration fees for a
12 specified number of undergraduate semester credit hours not to
13 exceed the average number of hours required for the conference
14 of an associate degree. Qualified beneficiaries shall bear the
15 cost of any laboratory fees associated with enrollment in
16 specific courses. Each qualified beneficiary shall be
17 classified as a resident for tuition purposes, pursuant to s.
18 1009.21, regardless of his or her actual legal residence.

19 2. Effective July 1, 1998, the board may provide
20 advance payment contracts for additional fees delineated in s.
21 1009.23, not to exceed the average number of hours required
22 for the conference of an associate degree, in conjunction with
23 advance payment contracts for registration fees. Community
24 college plan contracts purchased prior to July 1, 1998, shall
25 be limited to the payment of registration fees as defined in
26 s. 1009.97.

27 (b)1. Through the university plan, the advance payment
28 contract shall provide prepaid registration fees for a
29 specified number of undergraduate semester credit hours not to
30 exceed the average number of hours required for the conference
31 of a baccalaureate degree. Qualified beneficiaries shall bear

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1 the cost of any laboratory fees associated with enrollment in
2 specific courses. Each qualified beneficiary shall be
3 classified as a resident for tuition purposes pursuant to s.
4 1009.21, regardless of his or her actual legal residence.

5 2. Effective July 1, 1998, the board may provide
6 advance payment contracts for additional fees delineated in s.
7 1009.24(8)-(11), for a specified number of undergraduate
8 semester credit hours not to exceed the average number of
9 hours required for the conference of a baccalaureate degree,
10 in conjunction with advance payment contracts for registration
11 fees. Such contracts shall provide prepaid coverage for the
12 sum of such fees, to a maximum of 45 percent of the cost of
13 registration fees. University plan contracts purchased prior
14 to July 1, 1998, shall be limited to the payment of
15 registration fees as defined in s. 1009.97.

16 (c) The cost of participation in contracts authorized
17 under paragraph (a) or paragraph (b) shall be based primarily
18 on the current and projected registration fees within the
19 Florida Community College System or the State University
20 System, respectively, and the number of years expected to
21 elapse between the purchase of the plan on behalf of a
22 qualified beneficiary and the exercise of the benefits
23 provided in the plan by such beneficiary.

24 (d) Through the dormitory residence plan, the advance
25 payment contract may provide prepaid housing fees for a
26 maximum of 10 semesters of full-time undergraduate enrollment
27 in a state university. Dormitory residence plans shall be
28 purchased in increments of 2 semesters. The cost of
29 participation in the dormitory residence plan shall be based
30 primarily on the average current and projected housing fees
31 within the State University System and the number of years

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1 expected to elapse between the purchase of the plan on behalf
2 of a qualified beneficiary and the exercise of the benefits
3 provided in the plan by such beneficiary. Qualified
4 beneficiaries shall have the highest priority in the
5 assignment of housing within university residence halls.
6 Qualified beneficiaries shall bear the cost of any additional
7 elective charges such as laundry service or long-distance
8 telephone service. Each state university may specify the
9 residence halls or other university-held residences eligible
10 for inclusion in the plan. In addition, any state university
11 may request immediate termination of a dormitory residence
12 contract based on a violation or multiple violations of rules
13 of the residence hall or other university-held residences. In
14 the event that sufficient housing is not available for all
15 qualified beneficiaries, the board shall refund the purchaser
16 or qualified beneficiary an amount equal to the fees charged
17 for dormitory residence during that semester. If a qualified
18 beneficiary fails to be admitted to a state university or
19 chooses to attend a community college that operates one or
20 more dormitories or residency opportunities, or has one or
21 more dormitories or residency opportunities operated by the
22 community college direct-support organization, the qualified
23 beneficiary may transfer or cause to have transferred to the
24 community college, or community college direct-support
25 organization, the fees associated with dormitory residence.
26 Dormitory fees transferred to the community college or
27 community college direct-support organization may not exceed
28 the maximum fees charged for state university dormitory
29 residence for the purposes of this section, or the fees
30 charged for community college or community college
31 direct-support organization dormitories or residency

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1 opportunities, whichever is less.

2 (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE
3 COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.--A
4 qualified beneficiary may apply the benefits of an advance
5 payment contract toward:

6 (a) An independent college or university that is
7 located and chartered in Florida, that is not for profit, that
8 is accredited by the Commission on Colleges of the Southern
9 Association of Colleges and Schools or the Accrediting Council
10 for Independent Colleges and Schools, and that confers degrees
11 as defined in s. 1005.02.

12 (b) An out-of-state college or university that is not
13 for profit and is accredited by a regional accrediting
14 association, and that confers degrees.

15 (c) An applied technology diploma program or technical
16 certificate program conducted by a community college listed in
17 s. 1004.02(2) or technical center operated by a district
18 school board.

19
20 The board shall transfer or cause to be transferred to the
21 institution designated by the qualified beneficiary an amount
22 not to exceed the redemption value of the advance payment
23 contract at a state postsecondary institution. If the cost of
24 registration or housing fees at such institution is less than
25 the corresponding fees at a state postsecondary institution,
26 the amount transferred may not exceed the actual cost of
27 registration and housing fees. A transfer authorized under
28 this subsection may not exceed the number of semester credit
29 hours or semesters of dormitory residence contracted on behalf
30 of a qualified beneficiary. Notwithstanding any other
31 provision in this section, an institution must be an "eligible

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1 educational institution" under s. 529 of the Internal Revenue
2 Code to be eligible for the transfer of advance payment
3 contract benefits.

4 (4) ADVANCE PAYMENT CONTRACTS.--The board shall
5 develop advance payment contracts for registration and may
6 develop advance payment contracts for dormitory residence as
7 provided in this section. Advance payment contracts shall be
8 exempt from chapter 517 and the Florida Insurance Code. Such
9 contracts shall include, but not be limited to, the following:

10 (a) The amount of the payment or payments and the
11 number of payments required from a purchaser on behalf of a
12 qualified beneficiary.

13 (b) The terms and conditions under which purchasers
14 shall remit payments, including, but not limited to, the date
15 or dates upon which each payment shall be due.

16 (c) Provisions for late payment charges and for
17 default.

18 (d) Provisions for penalty fees for withdrawals from
19 the fund.

20 (e) Except for an advance payment contract entered
21 into pursuant to subsection (9) or s. 1009.983, the name and
22 date of birth of the qualified beneficiary on whose behalf the
23 contract is drawn and the terms and conditions under which
24 another person may be substituted as the qualified
25 beneficiary.

26 (f) The name of any person who may terminate the
27 contract. The terms of the contract shall specify whether the
28 contract may be terminated by the purchaser, the qualified
29 beneficiary, a specific designated person, or any combination
30 of these persons.

31 (g) The terms and conditions under which a contract

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1 may be terminated, modified, or converted, the name of the
2 person entitled to any refund due as a result of termination
3 of the contract pursuant to such terms and conditions, and the
4 amount of refund, if any, due to the person so named.

5 (h) The number of semester credit hours or semesters
6 of dormitory residence contracted by the purchaser.

7 (i) The state postsecondary system toward which the
8 contracted credit hours or semesters of dormitory residence
9 will be applied.

10 (j) The assumption of a contractual obligation by the
11 board to the qualified beneficiary to provide for a specified
12 number of semester credit hours of undergraduate instruction
13 at a state postsecondary institution, not to exceed the
14 average number of credit hours required for the conference of
15 the degree that corresponds to the plan purchased on behalf of
16 the qualified beneficiary or to provide for a specified number
17 of semesters of dormitory residence, not to exceed the number
18 of semesters of full-time enrollment required for the
19 conference of a baccalaureate degree.

20 (k) The period of time after which advance payment
21 contracts that have not been terminated or the benefits used
22 shall be considered terminated. Time expended by a qualified
23 beneficiary as an active duty member of any of the armed
24 services of the United States shall be added to the period of
25 time specified by the board. No purchaser or qualified
26 beneficiary whose advance payment contract is terminated
27 pursuant to this paragraph shall be entitled to a refund.
28 Notwithstanding chapter 717, the board shall retain any moneys
29 paid by the purchaser for an advance payment contract that has
30 been terminated in accordance with this paragraph. Such moneys
31 may be transferred to the Florida Prepaid Tuition Scholarship

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1 Program to provide matching funds for prepaid tuition
2 scholarships for economically disadvantaged youths that remain
3 drug free and crime free.

4 (1) Other terms and conditions deemed by the board to
5 be necessary or proper.

6 (5) REFUNDS.--

7 (a) No refund shall exceed the amount paid into the
8 fund by the purchaser except as provided in paragraphs (b) and
9 (c).

10 (b) If the beneficiary is awarded a scholarship, the
11 terms of which cover the benefits included in the advance
12 payment contracts, moneys paid for the purchase of the advance
13 payment contracts shall be refunded to the purchaser in
14 semester installments coinciding with the tuition by the
15 beneficiary in an amount which, in total, does not exceed the
16 redemption value of the advance payment contract at a state
17 postsecondary institution.

18 (c) In the event of the death or total disability of
19 the beneficiary, moneys paid for the purchase of advance
20 payment contracts shall be refunded to the purchaser in an
21 amount not to exceed the redemption value of the advance
22 payment contract at a state postsecondary institution.

23 (d) If an advance payment contract is converted from
24 one registration plan to a plan of lesser value, the amount
25 refunded shall not exceed the difference between the amount
26 paid for the original contract and the amount that would have
27 been paid for the contract to which the plan is converted had
28 the converted plan been purchased under the same payment plan
29 at the time the original advance payment contract was
30 executed.

31 (e) No refund shall be authorized through an advance

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1 payment contract for any school year partially attended but
2 not completed. For purposes of this section, a school year
3 partially attended but not completed shall mean any one
4 semester whereby the student is still enrolled at the
5 conclusion of the official drop-add period, but withdraws
6 before the end of such semester. If a beneficiary does not
7 complete a community college plan or university plan for
8 reasons other than specified in paragraph (c), the purchaser
9 shall receive a refund of the amount paid into the fund for
10 the remaining unattended years of the advance payment contract
11 pursuant to rules promulgated by the board.

12 (6) CONFIDENTIALITY OF ACCOUNT
13 INFORMATION.--Information that identifies the purchasers or
14 beneficiaries of any plan promulgated under this section and
15 their advance payment account activities is exempt from the
16 provisions of s. 119.07(1). However, the board may authorize
17 the program's records administrator to release such
18 information to a community college, college, or university in
19 which a beneficiary may enroll or is enrolled. Community
20 colleges, colleges, and universities shall maintain such
21 information as exempt from the provisions of s. 119.07(1).

22 (7) OBLIGATIONS OF BOARD.--The state shall agree to
23 meet the obligations of the board to qualified beneficiaries
24 if moneys in the fund fail to offset the obligations of the
25 board. The Legislature shall appropriate to the Florida
26 Prepaid College Trust Fund the amount necessary to meet the
27 obligations of the board to qualified beneficiaries.

28 (8) PROGRAM TERMINATION.--In the event that the state
29 determines the prepaid program to be financially infeasible,
30 the state may discontinue the provision of the program. Any
31 qualified beneficiary who has been accepted by and is enrolled

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1 or is within 5 years of enrollment in an eligible independent
2 college or university or state postsecondary institution shall
3 be entitled to exercise the complete benefits for which he or
4 she has contracted. All other contract holders shall receive a
5 refund of the amount paid in and an additional amount in the
6 nature of interest at a rate that corresponds, at a minimum,
7 to the prevailing interest rates for savings accounts provided
8 by banks and savings and loan associations.

9 (9) SCHOLARSHIPS.--A nonprofit organization described
10 in s. 501(c)(3) of the United States Internal Revenue Code and
11 exempt from taxation under s. 501(a) of the United States
12 Internal Revenue Code may purchase advance payment contracts
13 for a scholarship program that has been approved by the board
14 and is operated by the purchasing organization.

15 Section 489. Section 1009.981, Florida Statutes, is
16 created to read:

17 1009.981 Florida College Savings Program.--

18 (1)(a) The Florida Prepaid College Board is authorized
19 to create, establish, and administer the Florida College
20 Savings Program to promote and enhance the affordability of
21 higher education in the state and to enable persons to
22 contribute funds that are combined and invested to pay the
23 subsequent higher education expenses of a designated
24 beneficiary. The board may not implement the savings program
25 until it has obtained:

26 1. A written opinion from counsel specializing in
27 federal tax matters indicating that the savings program
28 constitutes a qualified tuition program under s. 529 of the
29 Internal Revenue Code;

30 2. A written opinion from a qualified member of the
31 United States Patent Bar indicating that the implementation of

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1 the savings program or the operation of the savings program
2 will not knowingly infringe upon any patent or copyright
3 specifically related to the financing of higher education
4 expenses;

5 3. A written opinion of qualified counsel specializing
6 in federal securities law that the savings program and the
7 offering of participation in the savings program does not
8 violate federal securities law; and

9 4. A written opinion from the board's litigation
10 counsel indicating that the implementation or operation of the
11 savings program will not adversely impact any pending
12 litigation against the board.

13 (b) The benefactor retains ownership of all amounts on
14 deposit in his or her account with the savings program up to
15 the date of distribution on behalf of a designated
16 beneficiary. Earnings derived from investment of the
17 contributions shall be considered to be held in trust in the
18 same manner as contributions, except as applied for purposes
19 of the designated beneficiary and for purposes of maintaining
20 and administering the program as provided in this section.

21 (c) All amounts attributable to penalties shall be
22 used for purposes of the savings program or as required by the
23 Internal Revenue Code, and other amounts received other than
24 contributions shall be properties of the savings program.
25 Proceeds from penalties shall remain with the program and may
26 be used for any costs or purposes of the savings program or
27 used as required by the Internal Revenue Code.

28 (d) Deposits and contributions to the program, the
29 property of the board, and the earnings on the college savings
30 accounts are exempt from taxation.

31 (e) The assets of the savings program shall be

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1 continuously invested and reinvested in a manner consistent
2 with the purposes of the program, expended on expenses
3 incurred by the operation and management of the savings
4 program, or refunded to the benefactor or designated
5 beneficiary under the conditions provided in the participation
6 agreement. The board is not required to invest directly in
7 obligations of the state or any political subdivision of the
8 state or in any investment or other fund administered by the
9 state.

10 (2) PARTICIPATION AGREEMENTS.--

11 (a) The board may establish plans to permit
12 benefactors to prepay the qualified higher education expenses
13 associated with enrollment in an eligible educational
14 institution and may permit benefactors to select from among
15 alternative investment plans designed to provide funds to pay
16 qualified education expenses of a designated beneficiary. The
17 board shall not accept contributions in excess of the amount
18 allowed pursuant to s. 529 of the Internal Revenue Code and
19 shall prescribe by rule the methodology and information
20 sources that shall be used to determine the projected costs of
21 qualified higher education expenses for designated
22 beneficiaries of prescribed ages.

23 (b) The board shall develop a participation agreement
24 which shall be the agreement between the board and each
25 benefactor, which may include, but is not limited to:

26 1. The name, date of birth, and social security number
27 of the designated beneficiary.

28 2. The amount of the contribution or contributions and
29 number of contributions required from a benefactor on behalf
30 of a designated beneficiary.

31 3. The terms and conditions under which benefactors

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1 shall remit contributions, including, but not limited to, the
2 date or dates upon which each contribution is due. Deposits to
3 the savings program by benefactors may only be in cash.
4 Benefactors may contribute in a lump sum, periodically, in
5 installments, or through electronic funds transfer or employer
6 payroll deductions.

7 4. Provisions for late contribution charges and for
8 default.

9 5. Provisions for penalty fees for withdrawals from
10 the program.

11 6. The name of the person who may terminate
12 participation in the program. The participation agreement must
13 specify whether the account may be terminated by the
14 benefactor, the designated beneficiary, a specific designated
15 person, or any combination of these persons.

16 7. The terms and conditions under which an account may
17 be terminated, modified, or converted, the name of the person
18 entitled to any refund due as a result of termination of the
19 account pursuant to such terms and conditions, and the amount
20 of refund, if any, due to the person so named.

21 8. Penalties for distributions not used or made in
22 accordance with s. 529 of the Internal Revenue Code.

23 9. Any charges or fees in connection with the
24 administration of the savings fund.

25 10. The period of time after which each participation
26 agreement shall be considered to be terminated. Time expended
27 by a designated beneficiary as an active duty member of any of
28 the armed services of the United States shall be added to the
29 period specified pursuant to this subparagraph. Should a
30 participation agreement be terminated, the balance of the
31 account, after notice to the benefactor, shall be declared

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1 unclaimed and abandoned property. The board shall retain any
2 monies paid by the benefactor for a participation agreement
3 that has been terminated in accordance with this subparagraph.
4 Such moneys may be transferred to the Florida Prepaid Tuition
5 Scholarship Program to provide matching funds for prepaid
6 tuition scholarships for economically disadvantaged youths
7 that remain drug free and crime free.

8 11. Other terms and conditions deemed by the board to
9 be necessary or proper.

10 (c) The participation agreement shall clearly state
11 that:

12 1. The contract is only a debt or obligation of the
13 savings program and the savings fund, and is not otherwise a
14 debt or obligation of the state.

15 2. Participation in the program does not guarantee
16 that sufficient funds will be available to cover all qualified
17 higher education expenses for any designated beneficiary and
18 does not guarantee admission to or continued enrollment at an
19 eligible educational institution of any designated
20 beneficiary.

21 (d) The participation agreement may be freely amended
22 throughout its term for purposes including, but not limited
23 to, allowing to enable the benefactor to increase or decrease
24 the level of participation, change designated beneficiaries,
25 and carry out similar matters permitted by this section and
26 the Internal Revenue Code.

27 (3) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION
28 EXPENSES.--The board shall establish requirements and
29 procedures for beneficiaries to realize the benefits of
30 participation agreements. In establishing such requirements
31 and procedures, the board shall make distributions in as

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1 efficient and expeditious manner as is prudent and possible,
2 consistent with the Internal Revenue Code.

3 (4) REFUNDS.--

4 (a) A benefactor may request a refund of the principal
5 amount of his or her contributions, plus actual investment
6 earnings or minus actual investment losses on the
7 contributions, less any applicable penalty, and less any
8 amounts used to provide benefits to the designated
9 beneficiary.

10 (b) Notwithstanding paragraph (a), a penalty may not
11 be levied if a benefactor requests a refund from the program
12 due to:

13 1. Death of the beneficiary.

14 2. Total disability of the beneficiary.

15 3. Scholarship, allowance, or payment received by the
16 beneficiary to the extent that the amount of the refund does
17 not exceed the amount of the scholarship, allowance, or
18 payment in accordance with federal law.

19 (c) If a benefactor requests a refund of funds
20 contributed to the program for any cause other than those
21 listed in paragraph (b), there shall be imposed a penalty of
22 10 percent of the earnings of the account and any applicable
23 taxes, or the amount required by the Internal Revenue Code.
24 Earnings shall be calculated as the total value of the
25 participation agreement, less the aggregate contributions, or
26 in the manner prescribed in the Internal Revenue Code.

27 (5) MATERIAL MISREPRESENTATION; PENALTY.--If the
28 benefactor or the designated beneficiary makes any material
29 misrepresentation in the application for a participation
30 agreement or in any communication with the board regarding the
31 program, especially regarding the withdrawal or distribution

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1 of funds therefrom, the account may be involuntarily
2 liquidated by the board. If the account is so liquidated, the
3 benefactor is entitled to a refund, subject to a 10-percent
4 penalty or the amount required by the Internal Revenue Code.

5 (6) CONFIDENTIALITY OF ACCOUNT

6 INFORMATION.--Information that identifies the benefactors or
7 the designated beneficiary of any account initiated under this
8 section and information regarding individual account
9 activities conducted through the savings program established
10 in this section are confidential and exempt from the
11 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution. However, the board may authorize the release of
13 such information to a community college, college, or
14 university in which a designated beneficiary may enroll or is
15 enrolled. Community colleges, colleges, and universities shall
16 maintain the confidentiality of such information. This
17 subsection is subject to the Open Government Sunset Review Act
18 of 1995 in accordance with s. 119.15, and shall stand repealed
19 on October 2, 2005, unless reviewed and saved from repeal
20 through reenactment by the Legislature.

21 (7) OBLIGATIONS OF BOARD.--Any contract or

22 participation agreement entered into by or any obligation of
23 the board on behalf of and for the benefit of the savings
24 program does not constitute a debt or obligation of the state
25 but is an obligation of the savings program. The state has no
26 obligation to any designated beneficiary or any other person
27 as a result of the savings program. The obligation of the
28 savings program is limited solely to those amounts deposited
29 in the savings fund. All amounts obligated to be paid from the
30 savings fund are limited to amounts available for such
31 obligation. The amounts on deposit in the savings program may

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1 only be disbursed in accordance with the provisions of this
2 section.

3 (8) PROGRAM TERMINATION.--The savings program shall
4 continue in existence until its existence is terminated by
5 law. If the state determines that the savings program is
6 financially infeasible, the state may discontinue the savings
7 program. Upon termination of the savings program, all deposits
8 shall be returned to benefactors, to the extent possible, and
9 any unclaimed assets in the savings program may be transferred
10 to the Florida Prepaid Tuition Scholarship Program to provide
11 matching funds for prepaid tuition scholarships for
12 economically disadvantaged youths that remain drug free and
13 crime free.

14 (9) STATE PLEDGE.--The state pledges to benefactors
15 and designated beneficiaries of the savings program that the
16 state will not limit or alter the rights under this section
17 which are vested in the program until such obligations are met
18 and discharged. However, this subsection does not preclude
19 such limitation if adequate provision is made by law for the
20 protection of the benefactors and designated beneficiaries
21 pursuant to the obligations of the board, and, if the state or
22 the board determines that the savings program is not
23 financially feasible, the state or the board may discontinue
24 the program. If the program is discontinued, the board shall
25 refund to benefactors their contributions to the program, plus
26 any investment earnings or minus any investment losses. The
27 board, on behalf of the state, may include this pledge and
28 undertaking by the state in participation agreements.

29 Section 490. Section 1009.982, Florida Statutes, is
30 created to read:

31 1009.982 Disclaimer.--Nothing in ss. 1009.97-1009.984

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1 shall be construed as a promise or guarantee that a qualified
2 beneficiary or a designated beneficiary will be admitted to a
3 state postsecondary institution or to a particular state
4 postsecondary institution, will be allowed to continue
5 enrollment at a state postsecondary institution after
6 admission, or will be graduated from a state postsecondary
7 institution.

8 Section 491. Section 1009.983, Florida Statutes, is
9 created to read:

10 1009.983 Direct-support organization; authority.--

11 (1) The Florida Prepaid College Board may establish a
12 direct-support organization which is:

13 (a) A Florida corporation, not for profit,
14 incorporated under the provisions of chapter 617 and approved
15 by the Secretary of State.

16 (b) Organized and operated exclusively to receive,
17 hold, invest, and administer property and to make expenditures
18 to or for the benefit of the board.

19 (c) An organization which the board, after review, has
20 certified to be operating in a manner consistent with the
21 goals of the board and in the best interests of the state.

22 Unless so certified, the organization may not use the name of
23 the prepaid program or savings program.

24 (2) The direct-support organization shall operate
25 under written contract with the board. The contract must
26 provide for:

27 (a) Approval of the articles of incorporation and
28 bylaws of the direct-support organization by the board.

29 (b) Submission of an annual budget for the approval of
30 the board. The budget must comply with rules adopted by the
31 board.

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1 (c) 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 (d) 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 (e) 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 (f) 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) The direct-support organization shall provide for
22 an annual financial audit in accordance with s. 215.981. The
23 board and Auditor General may require and receive from the
24 organization or its independent auditor any detail or
25 supplemental data relative to the operation of the
26 organization.

27 (4) The identity of donors who desire to remain
28 anonymous shall be confidential and exempt from the provisions
29 of s. 119.07(1) and s. 24(a), Art. I of the State
30 Constitution, and such anonymity shall be maintained in the
31 auditor's report. Information received by the organization

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1 that is otherwise confidential or exempt by law shall retain
2 such status. Any sensitive, personal information regarding
3 contract beneficiaries, including their identities, is exempt
4 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
5 the State Constitution.

6 (5) The chair and the executive director of the board
7 shall be directors of the direct-support organization and
8 shall jointly name, at a minimum, three other individuals to
9 serve as directors of the organization.

10 (6) The board may authorize the direct-support
11 organization established in this section to use board
12 property, except money, and use facilities and personal
13 services subject to the provisions of this section. If the
14 direct-support organization does not provide equal employment
15 opportunities to all persons regardless of race, color,
16 religion, sex, age, or national origin, it may not use the
17 property, facilities, or personal services of the board. For
18 the purposes of this section, the term "personal services"
19 includes full-time personnel and part-time personnel as well
20 as payroll processing as prescribed by rule of the board. The
21 board shall adopt rules prescribing the procedures by which
22 the direct-support organization is governed and any conditions
23 with which such a direct-support organization must comply to
24 use property, facilities, or personal services of the board.

25 (7) The board may invest funds of the direct-support
26 organization which have been allocated for the purchase of
27 advance payment contracts for scholarships with receipts for
28 advance payment contracts.

29 Section 492. Section 1009.984, Florida Statutes, is
30 created to read:

31 1009.984 Florida Prepaid Tuition Scholarship

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1 Program.--The Florida Prepaid Tuition Scholarship Program is
2 established to provide economically disadvantaged youth with
3 prepaid postsecondary tuition scholarships. The direct-support
4 organization established pursuant to s. 1009.983 shall
5 administer the program with the assistance and cooperation of
6 the Department of Education to:

7 (1) Provide an incentive for economically
8 disadvantaged youth to improve school attendance and academic
9 performance in order to graduate and pursue a postsecondary
10 education.

11 (2) Obtain the commitment and involvement of private
12 sector entities by virtue of funding matches with a ratio of
13 50 percent provided by the private sector and 50 percent
14 provided by the state.

15 (3) Purchase prepaid tuition scholarships for students
16 certified by the Department of Education to the direct-support
17 organization who meet minimum economic and school requirements
18 and remain drug free and crime free.

19 (a) For the purpose of this subsection, "drug free"
20 means not being convicted of, or adjudicated delinquent for,
21 any violation of chapter 893 after being designated a
22 recipient of a Florida prepaid tuition scholarship.

23 (b) For the purpose of this subsection, "crime free"
24 means not being convicted of, or adjudicated delinquent for,
25 any felony or first degree misdemeanor as defined in ss.
26 775.08 and 775.081 after being designated a recipient of a
27 Florida prepaid tuition scholarship.

28 Section 493. Part V of chapter 1009, Florida Statutes,
29 shall be entitled "Florida Higher Education Loan Authority"
30 and shall consist of ss. 1009.99-1009.9994.

31 Section 494. Section 1009.99, Florida Statutes, is

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1 created to read:

2 1009.99 Short title.--Sections 1009.99-1009.9994 may
3 be cited as the "Florida Higher Education Loan Authority Act."

4 Section 495. Section 1009.991, Florida Statutes, is
5 created to read:

6 1009.991 Purpose.--It is the purpose of this act to
7 provide assistance and an additional method of financing the
8 cost of higher education to students and the families of
9 students attending institutions of higher education in this
10 state and to encourage investment of private capital to
11 provide funds for financing student loans.

12 Section 496. Section 1009.992, Florida Statutes, is
13 created to read:

14 1009.992 Definitions.--As used in this act:

15 (1) "Authority" means any public corporation created
16 by s. 1009.993 or any board, body, commission, department, or
17 officer of the county succeeding to the principal functions
18 thereof or to whom the powers conferred upon an authority by
19 this act are given by this act.

20 (2) "Authority loan" means any loan by an authority to
21 an institution of higher education for the purpose of funding
22 education loans.

23 (3) "Bond" or "revenue bond" means any revenue bond of
24 an authority issued under the provisions of this act,
25 including any revenue-refunding bond, notwithstanding that the
26 bond may be secured by mortgage or the full faith and credit
27 of a participating institution of higher education or any
28 other lawfully pledged security of a participating institution
29 of higher education.

30 (4) "Bond resolution" means the resolution of an
31 authority and the trust agreement, if any, and any supplement

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1 or amendment to the foregoing, authorizing the issuance of,
2 and providing for the terms and conditions applicable to,
3 obligations.

4 (5) "Bond service charge" means the principal
5 (including mandatory sinking fund requirements for retirement
6 of obligations) and interest, and redemption premium, if any,
7 required to be paid by an authority on obligations.

8 (6) "Borrower" means any student who has received an
9 education loan or any parent who has received or agreed to pay
10 an education loan.

11 (7) "Clerk" means the clerk of a commission or the
12 county officer charged with the duties customarily imposed
13 upon the clerk.

14 (8) "Commission" means a board of county commissioners
15 or other body charged with governing the county.

16 (9) "Default insurance" means insurance insuring
17 education loans, authority loans, or obligations against
18 default.

19 (10) "Default reserve fund" means a fund established
20 pursuant to a bond resolution for the purpose of securing
21 education loans, authority loans, or obligations.

22 (11) "Education loan" means a loan which is made by an
23 institution to a student or the parents of a student, or both,
24 in an amount not in excess of the maximum amount specified in
25 regulations to be formulated by the authority, in order to
26 finance all or any part of the cost of the student's
27 attendance at such institution.

28 (12) "Education loan series portfolio" means all
29 educational loans made by a specific institution which are
30 funded from the proceeds of an authority loan to such
31 institution out of the proceeds of a related specific issue of

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1 obligations through the authority.

2 (13) "Institution" means any college or university
3 which, by virtue of law or charter, is accredited by and holds
4 membership in the Commission on Recognition of Postsecondary
5 Accreditation; which grants baccalaureate or associate
6 degrees; which is not a pervasively sectarian institution; and
7 which does not discriminate in the admission of students on
8 the basis of race, color, religion, sex, or creed.

9 (14) "Loan funding deposit" means moneys or other
10 property which is deposited by an institution with the
11 authority or a trustee for the purpose of:

- 12 (a) Providing security for obligations;
13 (b) Funding a default reserve fund;
14 (c) Acquiring default insurance; or
15 (d) Defraying costs of the authority, and

16
17 which shall be in such amounts as are deemed necessary by the
18 authority as a condition for participation by such institution
19 in the program of the authority.

20 (15) "Obligation" means any revenue bond, note, or
21 other evidence of indebtedness of an authority, including any
22 interest coupon pertaining thereto, issued under this act,
23 including any refunding bond.

24 (16) "Parent" means any parent or guardian of a
25 student at an institution.

26 (17) "Participating institution" means an institution
27 of higher education which, pursuant to the provisions of this
28 act, undertakes the financing of an educational student loan
29 program or undertakes the refunding or refinancing of
30 obligations, a mortgage, or advances as provided in and
31 permitted by this act.

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1 (18) "Person" means any person, firm, partnership,
2 association, corporation, or other body, public or private.

3 Section 497. Section 1009.993, Florida Statutes, is
4 created to read:

5 1009.993 Authority; creation, membership, terms of
6 members, expenses.--

7 (1) In each county there is created a public body
8 corporate and politic to be known as the "... County
9 Education Loan Authority." Each such authority is constituted
10 as a public instrumentality, and its exercise of the powers
11 conferred by this act shall be deemed the performance of an
12 essential public function. No authority shall transact any
13 business or exercise any power pursuant to this act until the
14 commission by ordinance or resolution declares that there is a
15 need for an authority to function in such county.

16 (2) The commission may adopt such an ordinance or
17 resolution of need if it finds that the youth of the county
18 and state do not have the opportunity to attend institutions
19 of higher learning located within the county because of their
20 inability to obtain financing for the cost of such education
21 and the inability of such institutions to provide adequate
22 financial aid to their students.

23 (3) In any suit, action, or proceeding involving the
24 validity or enforcement of or relating to any contract of the
25 authority, the authority shall be conclusively deemed to have
26 been established and authorized to transact business and
27 exercise its powers hereunder upon proof of the adoption of an
28 ordinance or resolution by the commission declaring the need
29 for the authority. Such ordinance or resolution shall be
30 sufficient if it declares that there is such a need for an
31 authority in the county. A copy of such ordinance or

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1 resolution certified by the clerk shall be admissible in
2 evidence in any suit, action, or proceeding.

3 (4) The ordinance or resolution shall designate five
4 persons as members of the authority. The membership of the
5 authority shall include:

6 (a) A trustee, director, officer, or employee of an
7 institution located in such county.

8 (b) One lay citizen who does not derive a majority of
9 his or her income from education or an education-related
10 field.

11 (c) Two persons from the commercial financial
12 community in the county, each of whom has a favorable
13 reputation for skill, knowledge, and experience in the field
14 of state and municipal finance.

15 (d) One person from the commercial financial community
16 or educational community in the state who has a favorable
17 reputation for skill, knowledge, and experience in the field
18 of higher education loan finance.

19 (5) Of the members first appointed, one shall serve
20 for 1 year, one for 2 years, one for 3 years, one for 4 years,
21 and one for 5 years, in each case until his or her successor
22 is appointed and has qualified. Thereafter, the commission
23 shall appoint for terms of 5 years each members to succeed
24 those whose terms will expire. The commission shall fill any
25 vacancy for the unexpired portion of the term. Any member of
26 the authority may be reappointed. Any member of the authority
27 may be removed by the commission for misfeasance, malfeasance,
28 or willful neglect of duty. Before entering upon his or her
29 duties, each member of the authority shall take and subscribe
30 to the oath or affirmation required by the State Constitution.

31 A record of each such oath shall be filed with the Department

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1 of State and with the clerk.

2 (6) The authority shall annually elect one of its
3 members as chair and one as vice chair and shall also appoint
4 an executive director who shall not be a member of the
5 authority and who shall serve at the pleasure of the authority
6 and receive such compensation as fixed by the authority.

7 (7) The executive director shall keep a record of the
8 proceedings of the authority and shall be custodian of all
9 books, documents, and papers filed with the authority; the
10 minute book or journal of the authority; and its official
11 seal. The director may have copies made of all minutes and
12 other records and documents of the authority and may give
13 certificates under the official seal of the authority to the
14 effect that such copies are true copies, and any person
15 dealing with the authority may rely upon any such certificate.

16 (8) Three members of the authority shall constitute a
17 quorum, and the affirmative vote of a majority of the members
18 present at a meeting shall be necessary for any action to be
19 taken; however, any action may be taken by an authority with
20 the unanimous consent of all of the members. A vacancy in the
21 membership of the authority shall not impair the right of a
22 quorum to exercise the rights or perform the duties of the
23 authority. The majority shall not include any member who has a
24 conflict of interest, and a statement by a member of a
25 conflict of interest is conclusive for this purpose. Any
26 action taken by the authority under the provisions of this act
27 may be authorized by resolution at any regular or special
28 meeting. Each such resolution shall take effect immediately
29 and need not be published or posted.

30 (9) The members of the authority shall receive no
31 compensation for the performance of their duties, but each

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1 member, when engaged in the performance of such duties, shall
2 be entitled to per diem and travel expenses as provided in s.
3 112.061.

4 (10) Notwithstanding any other law to the contrary, it
5 shall not be, nor shall it constitute, a conflict of interest
6 for a trustee, director, officer, or employee of an
7 institution to serve as a member of the authority.

8 Section 498. Section 1009.994, Florida Statutes, is
9 created to read:

10 1009.994 Functions and powers of authority.--Each
11 authority shall have the following functions and powers:

12 (1) To adopt rules for the regulation of its affairs
13 and the conduct of its business.

14 (2) To adopt an official seal.

15 (3) To maintain an office at a place it designates.

16 (4) To sue and be sued in its own name and to plead
17 and be impleaded.

18 (5) To establish rules for the use of education loan
19 financing programs and to designate a participating
20 institution as its agent to establish rules for the use of a
21 program undertaken by such participating institution.

22 (6) To issue obligations for the purpose of making
23 authority loans to participating institutions for the purpose
24 of providing education loans utilizing such eligibility
25 standards for borrowers as the authority determines to be
26 necessary, but such standards shall include the following:

27 (a) Each student shall have a certificate of admission
28 or enrollment at a participating institution;

29 (b) Each student or his or her parents shall satisfy
30 such financial qualifications as the authority shall
31 establish; and

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1 (c) Each student and his or her parents shall submit
2 such information to the applicable institution as may be
3 required by the authority.

4 (7) To contract with financial institutions and other
5 qualified loan origination and servicing organizations, which
6 shall assist in prequalifying borrowers for education loans
7 and which shall service and administer each education loan and
8 the respective loan series portfolio of each institution, and
9 to establish sufficient fees for each educational loan to
10 cover the applicable pro rata cost of such servicing and
11 originating organizations.

12 (8) To establish criteria governing the eligibility of
13 institutions to participate in its programs, the making and
14 allocation of authority loans and education loans, provisions
15 for default, the establishment of default reserve funds, the
16 purchase of default insurance, the provision of prudent debt
17 service reserves, and the furnishing by participating
18 institutions of such additional guarantees of the education
19 loans, authority loans, or obligations as the authority shall
20 determine necessary to assure the marketability of the
21 obligations and the adequacy of the security therefor;
22 however, the provisions applicable to participation by Florida
23 public participating institutions in the financing programs of
24 the authority shall be subject to approval and authorization
25 by the budgetary and other state agencies having jurisdiction
26 over those institutions.

27 (9) To fix, revise, charge, and collect rates, fees,
28 and charges for services furnished by the authority and to
29 contract with any person in respect thereto, including any
30 financial institution, loan originator, servicer,
31 administrator, issuer of letters of credit, or insurer.

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1 (10) To employ consultants, attorneys, accountants,
2 financial experts, loan processors, bankers, managers, and
3 such other employees and agents as may be necessary and to fix
4 their compensation.

5 (11) To receive and accept, from any source, loans,
6 contributions, or grants for or in aid of an authority
7 education loan financing program or any portion thereof and,
8 when required, to use such funds, property, or labor only for
9 the purposes for which it was loaned, contributed, or granted.

10 (12) To make authority loans to institutions and
11 require that the proceeds thereof be used solely for making
12 education loans or for costs and fees in connection therewith
13 and to require institutions to obtain certification from each
14 borrower that proceeds from any education loan are used solely
15 for the purpose intended by this act.

16 (13) To charge to and apportion among participating
17 institutions administrative and operating costs and expenses
18 incurred in the exercise of the powers and duties conferred by
19 this act.

20 (14) To borrow working capital funds and other funds
21 as may be necessary for startup and continuing operations,
22 provided that such funds are borrowed solely in the name of
23 the authority. Such borrowings shall be limited obligations of
24 the character described in s. 1009.9975 and shall be payable
25 solely from revenues of the authority or proceeds of
26 obligations pledged for that purpose.

27 (15) Notwithstanding any other provisions of this act,
28 to commingle and pledge as security for a series or issue of
29 obligations, with the consent of all of the institutions which
30 are participating in such series or issue:

31 (a) The education loan series portfolios and some or

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1 all future education loan series portfolios of such
2 institutions; and

3 (b) The loan funding deposits of such institutions,
4 except that education loan series portfolios and other
5 security and moneys set aside in any fund pledged for any
6 series or issue of obligations shall be held for the sole
7 benefit of such series or issue separate and apart from
8 education loan series portfolios and other security and moneys
9 pledged for any other series of issue of obligations of the
10 authority. Obligations may be issued in series under one or
11 more resolutions or trust agreements in the discretion of the
12 authority.

13 (16) To examine records and financial reports of
14 participating institutions and to examine records and
15 financial reports of any contractor organization or
16 institution retained by the authority under the provisions of
17 this act.

18 (17) To make loans to a participating institution to
19 refund outstanding obligations, mortgages, or advances issued,
20 made, or given by such institution for authority loans; and
21 whenever such refunding obligations are issued to refund
22 obligations, the proceeds of which were used to make authority
23 loans, the authority may reduce the amount of interest owed to
24 it by the institution which had received authority loans from
25 the proceeds of the refunded obligations. Such institution
26 may use this reduced amount to reduce the amount of interest
27 being paid on education loans which the institution had made
28 pursuant to the authority loans from the proceeds of the
29 refunded obligations.

30 (18) To authorize its officers, agents, and employees
31 to take any other action which is necessary in order to carry

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1 out the purposes of this act.

2 Section 499. Section 1009.995, Florida Statutes, is
3 created to read:

4 1009.995 Expenses of authority.--All expenses incurred
5 in carrying out the provisions of this act shall be payable
6 solely from funds provided under the provisions of this act;
7 and, except as specifically authorized under this act, no
8 liability shall be incurred by an authority beyond the extent
9 to which moneys have been provided under this act.

10 Section 500. Section 1009.996, Florida Statutes, is
11 created to read:

12 1009.996 Higher education facilities authority as
13 higher education loan authority.--As an alternative to the
14 creation of an authority, a commission may confer all rights,
15 powers, privileges, duties, and immunities of an authority
16 upon any entity in existence on July 1, 1982, which has been
17 authorized by law to function as a higher education facilities
18 authority pursuant to the provisions of chapter 243. Any such
19 entity which has been vested with the rights, powers,
20 privileges, duties, and immunities of a higher education loan
21 authority shall be subject to all provisions and
22 responsibilities imposed by this act, notwithstanding any
23 provisions to the contrary in any law which established the
24 entity. Nothing in this act shall be construed to impair or
25 diminish any powers of any other entity in existence on July
26 1, 1982, or to repeal, modify, or amend any law establishing
27 such entity, except as specifically set forth herein.

28 Section 501. Section 1009.9965, Florida Statutes, is
29 created to read:

30 1009.9965 Moneys, endowments, properties; acquisition,
31 deposit, and guarantees.--Each authority is authorized to

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1 establish specific guidelines relating to the deposits of
2 moneys, endowments, or properties by institutions which
3 moneys, endowments, or properties would provide prudent
4 security for education loan funding programs, authority loans,
5 education loans, or obligations; and it may establish
6 guidelines relating to guarantees of, or contracts to
7 purchase, education loans or obligations by such institutions,
8 financial institutions, or others. A default reserve fund may
9 be established for each series or issue of obligations. In
10 this regard, the authority is empowered to receive such
11 moneys, endowments, properties, and guarantees as it deems
12 appropriate and, if necessary, to take title in the name of
13 the authority or in the name of a participating institution or
14 a trustee, subject, however, to the limitations applicable to
15 public participating institutions set forth in s. 1009.994(8).

16 Section 502. Section 1009.997, Florida Statutes, is
17 created to read:

18 1009.997 Conveyance of loan funding deposit to
19 participating institutions.--When the principal of and
20 interest on obligations of an authority issued to finance the
21 cost of an education loan financing program, including any
22 refunding obligations issued to refund and refinance such
23 obligations, have been fully paid and retired or when adequate
24 provision has been made to fully pay and retire the
25 obligations and all other conditions of the bond resolution
26 have been satisfied and the lien created by such bond
27 resolution has been released in accordance with the provisions
28 thereof, the authority shall promptly do such things and
29 execute such deeds and conveyances as are necessary to convey
30 any remaining moneys, properties, and other assets comprising
31 loan funding deposits to the institutions in proportion to the

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1 amounts furnished by the respective institutions.

2 Section 503. Section 1009.9975, Florida Statutes, is
3 created to read:

4 1009.9975 Notes of authority.--An authority may issue
5 its negotiable notes for any corporate purpose and renew any
6 notes by the issuance of new notes, whether or not the notes
7 to be renewed have matured. The authority may issue notes
8 partly to renew notes or to discharge other obligations then
9 outstanding and partly for any other purpose. The notes may be
10 authorized, sold, executed, and delivered in the same manner
11 as bonds. Any resolution authorizing notes of the authority
12 or any issue thereof may contain any provisions which the
13 authority is authorized to include in any resolution
14 authorizing revenue bonds or any issue thereof, and the
15 authority may include in any notes any terms, covenants, or
16 conditions which it is authorized to include in any bonds.
17 All such notes shall be payable solely from the revenues of
18 the authority, subject only to any contractual rights of the
19 holders of any of its notes or other obligations then
20 outstanding.

21 Section 504. Section 1009.9976, Florida Statutes, is
22 created to read:

23 1009.9976 Issuance of obligations.--

24 (1) An authority may issue its negotiable revenue
25 obligations for any corporate purpose. In anticipation of the
26 sale of such obligations, the authority may issue negotiable
27 bond anticipation notes and may renew them, but the maximum
28 maturity of any such note, including renewals thereof, shall
29 not exceed 5 years from the date of issue of the original
30 note. Such notes shall be paid from revenues of the authority
31 available therefor and not otherwise pledged or from the

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1 proceeds of sale of the revenue bonds of the authority in
2 anticipation of which they were issued. The notes shall be
3 issued in the same manner as the revenue bonds. Such notes and
4 the resolution authorizing them may contain any provisions,
5 conditions, or limitations which a bond resolution of the
6 authority may contain.

7 (2) Each issue of obligations shall be payable solely
8 out of those revenues of the authority that pertain to the
9 program relating to such issue, including principal and
10 interest on authority loans and education loans; payments by
11 institutions of higher education, banks, insurance companies,
12 or others pursuant to letters of credit or purchase
13 agreements; investment earnings from funds or accounts
14 maintained pursuant to the bond resolution; insurance
15 proceeds; loan funding deposits; proceeds of sales of
16 education loans; proceeds of refunding obligations; and fees,
17 charges, and other revenues of the authority from such
18 program, subject only to any agreements with the holders of
19 particular revenue bonds or notes pledging any particular
20 reserves.

21 (3) The obligations may be issued as serial
22 obligations or as term obligations, or in both forms. The
23 obligations shall be authorized by a bond resolution of the
24 authority and shall bear such dates; mature at such times, not
25 to exceed the year following the last year in which the final
26 payments in an education loan series portfolio are due or 30
27 years, whichever is sooner, from their respective dates of
28 issue; bear interest at such rates; be payable at such times;
29 be in such denominations; be in such form, either coupon or
30 fully registered; carry such registration and conversion
31 privileges; be payable in lawful money of the United States of

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1 America at such places; and be subject to such terms of
2 redemption as such bond resolution may provide. Obligations
3 shall be executed by the manual or facsimile signatures of
4 such officers of the authority as shall be designated by the
5 authority. Obligations may be sold at public or private sale
6 in such manner and for such price as the authority shall
7 determine. Pending preparation of the definitive bonds, the
8 authority may issue interim receipts or certificates which
9 shall be exchanged for such definitive bonds.

10 (4) Any bond resolution may contain provisions, which
11 shall be a part of the contract with the holders of the
12 obligations to be authorized, as to:

13 (a) The pledging or assigning of all or part of the
14 revenues derived from the authority loans and education loans
15 to secure the payment of the obligations to be issued.

16 (b) The fees and other amounts to be charged; the sums
17 to be raised in each year thereby; and the use, investment,
18 and disposition of such sums.

19 (c) The setting aside of loan funding deposits, debt
20 service reserves, capitalized interest accounts, cost of
21 insurance accounts, and sinking funds and the regulation,
22 investment, and disposition thereof.

23 (d) Limitations on the right of the authority or its
24 agent to restrict and regulate the use of education loans.

25 (e) Limitations on the purpose to which the proceeds
26 of sale of any issue of obligations then or thereafter to be
27 issued may be invested or applied.

28 (f) Limitations on the issuance of additional
29 obligations; the terms upon which additional obligations may
30 be issued and secured; the terms upon which additional
31 obligations may rank on a parity with, or be subordinate or

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1 superior to, other obligations; and the refunding of
2 outstanding obligations.

3 (g) The procedure, if any, by which the terms of any
4 contract with bondholders may be amended or abrogated, the
5 amount of obligations the holders of which must consent
6 thereto, and the manner in which such consent may be given.

7 (h) Limitations on the amount of moneys derived from
8 the loan program to be expended for operating, administrative,
9 or other expenses of the authority.

10 (i) Defining the acts or omissions to act which
11 constitute a default in the duties of the authority to holders
12 of obligations and providing the rights or remedies of such
13 holders in the event of a default.

14 (j) Providing for guarantees, pledges or endowments,
15 letters of credit, property, or other security for the benefit
16 of the holders of such obligations.

17 (k) Any other matters relating to the obligations
18 which the authority deems desirable to include in the bond
19 resolution.

20 (5) Neither the members of the authority nor any
21 person executing the obligations shall be liable personally on
22 the obligations or be subject to any personal liability or
23 accountability by reason of the issuance thereof.

24 (6) The authority shall have power to purchase its
25 obligations out of any funds available therefor. The
26 authority may hold, pledge, cancel, or resell such obligations
27 subject to and in accordance with agreements with bondholders.

28 (7) The authority shall have the power to refund any
29 of its obligations. Such refunding obligations shall be
30 issued in the same manner as other obligations of the
31 authority.

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1 Section 505. Section 1009.9977, Florida Statutes, is
2 created to read:

3 1009.9977 Trust agreement to secure obligations.--In
4 the discretion of the authority, any obligations issued under
5 the provisions of this act may be secured by a trust agreement
6 by and between the authority and a corporate trustee, which
7 may be any trust company or bank having the powers of a trust
8 company within or without the state. The trust agreement may
9 pledge or assign the revenues to be received by the authority;
10 may contain such provisions for protecting and enforcing the
11 rights and remedies of the bondholders as may be reasonable
12 and proper and not in violation of law, particularly including
13 such provisions as have hereinabove been specifically
14 authorized to be included in any bond resolution of the
15 authority; and may restrict individual rights of action by
16 bondholders. Any bank or trust company incorporated under the
17 laws of this state which may act as depository of the proceeds
18 of bonds or of revenues or other moneys may furnish such
19 indemnifying bonds or pledge such securities as may be
20 required by the authority. Any such trust agreement may set
21 forth the rights and remedies of the bondholders and of the
22 trustee. In addition, any trust agreement may contain such
23 other provisions as the authority may deem reasonable and
24 proper for the security of the bondholders. All expenses
25 incurred in carrying out the provisions of the trust agreement
26 may be treated as part of the cost of the operation of an
27 education loan program.

28 Section 506. Section 1009.9978, Florida Statutes, is
29 created to read:

30 1009.9978 Payment of obligations.--Obligations issued
31 under the provisions of this act shall not be deemed to

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1 constitute a debt or liability of the state or the county or a
2 pledge of the faith and credit of the state or any county, but
3 such obligations shall be payable solely from the funds herein
4 provided therefor from revenues. Each such obligation shall
5 contain on its face a statement to the effect that neither the
6 county nor the authority shall be obligated to pay the same or
7 the interest thereon except from revenues of the loan program
8 for which it is issued and that neither the faith and credit
9 nor the taxing power of the state or of any political
10 subdivision thereof is pledged to the payment of the principal
11 of or the interest on such bonds. The issuance of obligations
12 under the provisions of this act shall not directly,
13 indirectly, or contingently obligate the state or any
14 political subdivision thereof to levy or pledge any form of
15 taxation whatever therefor or to make any appropriation for
16 their payment.

17 Section 507. Section 1009.9979, Florida Statutes, is
18 created to read:

19 1009.9979 Pledge of revenues.--Each authority shall
20 fix, revise, charge, and collect fees, and it is empowered to
21 contract with any person in respect thereof. Each agreement
22 entered into by the authority with an institution shall
23 provide that the fees and other amounts payable by the
24 institution of higher education with respect to any program of
25 the authority shall be sufficient at all times to:

26 (1) Pay the institution's share of the administrative
27 costs and expenses of such program;

28 (2) Pay the principal of, the premium, if any, on, and
29 the interest on outstanding obligations of the authority which
30 have been issued in respect of such program to the extent that
31 other revenues of the authority pledged for the payment of the

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1 obligations are insufficient to pay the obligations as they
2 become due and payable;

3 (3) Create and maintain reserves which may, but need
4 not, be required or provided for in the bond resolution
5 relating to such obligations of the authority; and

6 (4) Establish and maintain whatever education loan
7 servicing, control, or audit procedures are deemed necessary
8 to the prudent operations of the authority.

9
10 The authority shall pledge the revenues from each program as
11 security for the issue of obligations relating to such
12 program. Such pledge shall be valid and binding from the time
13 the pledge is made; the revenues so pledged by the authority
14 shall immediately be subject to the lien of such pledge
15 without any physical delivery thereof or further act, and the
16 lien of any such pledge shall be valid and binding against all
17 parties having claims of any kind in tort, in contract, or
18 otherwise against the authority or any participating
19 institution, irrespective of whether such parties have notice
20 thereof.

21 Section 508. Section 1009.998, Florida Statutes, is
22 created to read:

23 1009.998 Funds as trust funds.--All moneys received by
24 or on behalf of an authority pursuant to this act, whether as
25 proceeds from the sale of obligations or as revenues, shall be
26 deemed to be trust funds to be held and applied solely as
27 provided in this act. Any officer with whom, or any bank or
28 trust company with which, such moneys are deposited shall act
29 as trustee of such moneys and shall hold and apply the same
30 for the purposes of this act, subject to such regulations as
31 this act and the bond resolution authorizing the issue of any

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1 obligations may provide.

2 Section 509. Section 1009.9981, Florida Statutes, is
3 created to read:

4 1009.9981 Obligations; qualities of investment
5 securities.--All obligations issued under the provisions of
6 this act, regardless of form or terms, shall have all the
7 qualities and incidents, including negotiability, of
8 investment securities under the Uniform Commercial Code.
9 Compliance with the provisions of such code respecting the
10 filing of a financing statement to perfect a security interest
11 is not necessary for perfecting any security interest granted
12 by an authority.

13 Section 510. Section 1009.9982, Florida Statutes, is
14 created to read:

15 1009.9982 Rights of holders of obligations.--Any
16 holder of obligations issued pursuant to this act or a trustee
17 under a trust agreement entered into pursuant to this act,
18 except to the extent that the rights herein given may be
19 restricted by any bond resolution or trust agreement, may, by
20 any suitable form of legal proceedings:

21 (1) Protect and enforce any and all rights under the
22 laws of this state or granted hereunder or by the bond
23 resolution or trust agreement;

24 (2) Enjoin unlawful activities; and

25 (3) In the event of default with respect to the
26 payment of any principal of, premiums, if any, on, and
27 interest on any obligation or in the performance of any
28 covenant or agreement on the part of the authority in the bond
29 resolution, apply to the circuit court to appoint a receiver
30 to administer and operate the education loan program or
31 programs, the revenues of which are pledged to the payment of

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1 principal of, premium, if any, on, and interest on such
2 obligations, with full power to pay, and to provide for
3 payment of, principal of, premium, if any, on, and interest on
4 such obligations and with such powers, subject to the
5 direction of the court, as are permitted by law and are
6 accorded receivers, excluding any power to pledge additional
7 revenues of the authority to the payment of such principal,
8 premium, and interest.

9 Section 511. Section 1009.9983, Florida Statutes, is
10 created to read:

11 1009.9983 Refunding obligations; purpose, proceeds;
12 investment of proceeds.--

13 (1) An authority may provide for the issuance of
14 obligations for the purpose of refunding any of its
15 obligations then outstanding, including the payment of any
16 redemption premium thereon and any interest accrued or to
17 accrue to the earliest or any subsequent date of redemption,
18 purchase, or maturity of such obligations.

19 (2) The proceeds of any such obligations issued for
20 the purpose of refunding outstanding obligations may, in the
21 discretion of the authority, be applied to the purchase or
22 retirement at maturity or redemption of such outstanding
23 obligations either on their earliest or any subsequent
24 redemption date or upon the purchase or at the maturity
25 thereof and may, pending such application, be placed in escrow
26 to be applied to such purchase or retirement at maturity or
27 redemption on such date as may be determined by the authority.

28 (3) Any such escrowed proceeds, pending such use, may
29 be invested and reinvested in direct obligations of the United
30 States of America or in certificates of deposit or time
31 deposits of financial institutions secured as to principal by

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1 such direct obligations, which direct obligations,
2 certificates of deposit, or time deposits mature at such time
3 as shall be appropriate to assure the prompt payment, as to
4 principal, interest, and redemption premium, if any, of the
5 outstanding obligations to be so refunded. The interest,
6 income, and profits, if any, earned or realized on any such
7 investment may also be applied to the payment of the
8 outstanding obligations to be so refunded. After the terms of
9 the escrow have been fully satisfied and carried out, any
10 balance of such proceeds and interest, income, and profits, if
11 any, earned or realized on the investments thereof shall be
12 returned to the authority for use in any lawful manner.

13 (4) All such refunding bonds shall be subject to this
14 act in the same manner and to the same extent as other revenue
15 bonds issued pursuant to this act.

16 Section 512. Section 1009.9984, Florida Statutes, is
17 created to read:

18 1009.9984 Investment of funds of authority.--Except as
19 otherwise provided in s. 1009.9983(3), an authority may invest
20 any funds in:

21 (1) Direct obligations of the United States of
22 America;

23 (2) Obligations as to which the timely payment of
24 principal and interest is fully guaranteed by the United
25 States of America;

26 (3) Obligations of the Federal Intermediate Credit
27 Banks, Federal Banks for Cooperatives, Federal Land Banks,
28 Federal Home Loan Banks, Federal National Mortgage
29 Association, Government National Mortgage Association, and
30 Student Loan Marketing Association;

31 (4) Certificates of deposit or time deposits

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1 constituting direct obligations of any financial institution
2 as defined by the financial institutions codes, as now or
3 hereafter amended, except that investments may be made only in
4 those certificates of deposit or time deposits in financial
5 institutions which are insured by the appropriate federal
6 regulatory agency as defined in s. 655.005; and

7 (5) Withdrawable capital accounts or deposits of state
8 or federally chartered savings and loan associations which are
9 insured by an agency of the Federal Government. Any such
10 securities may be purchased at the offering or market price
11 thereof at the time of such purchase. All such securities so
12 purchased shall mature or be redeemable on a date prior to the
13 time when, in the judgment of the authority, the funds so
14 invested will be required for expenditure. The express
15 judgment of the authority as to the time when any funds will
16 be required for expenditure or be redeemable is final and
17 conclusive.

18 Section 513. Section 1009.9985, Florida Statutes, is
19 created to read:

20 1009.9985 Obligations as legal investments.--Any bank,
21 banker, trust company, savings bank or institution, building
22 and loan association, savings and loan association, investment
23 company, or other person carrying on a banking business or
24 investment business; insurance company or insurance
25 association; executor, administrator, guardian, trustee, or
26 other fiduciary; or public officer or public body of the state
27 or its political subdivisions may legally invest any sinking
28 funds, moneys, or other funds belonging to it or within its
29 control in any obligations issued pursuant to this act.

30 Section 514. Section 1009.9986, Florida Statutes, is
31 created to read:

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1 1009.9986 Validation of bonds and proceedings.--A
2 higher education loan authority shall determine its authority
3 to issue any of its bonds, and the legality of all proceedings
4 in connection therewith, as provided in chapter 75.

5 Section 515. Section 1009.9987, Florida Statutes, is
6 created to read:

7 1009.9987 Actions to contest validity of bonds.--An
8 action or proceeding to contest the validity of any bond
9 issued under this act, other than a proceeding pursuant to s.
10 1009.9986, shall be commenced within 30 days after
11 notification, in a newspaper of general circulation within the
12 area, of the passage by the authority of the resolution
13 authorizing the issuance of such bond.

14 Section 516. Section 1009.9988, Florida Statutes, is
15 created to read:

16 1009.9988 Annual report.--Each authority shall keep an
17 accurate account of all of its activities and shall annually
18 provide a report thereof to the commission and to the
19 Commissioner of Education. Such report shall be a public
20 record and open for inspection at the offices of the authority
21 during normal business hours. The report shall include:

22 (1) Summaries of all applications by institutions of
23 higher education for education loan financing assistance
24 presented to the authority during such fiscal year;

25 (2) Summaries of all education loan programs which
26 have received any form of financial assistance from the
27 authority during such year;

28 (3) The nature and amount of all education loan
29 financing assistance;

30 (4) A report concerning the financial condition of the
31 various education loan series portfolios; and

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1 (5) Projected activities of the authority for the next
2 fiscal year, including projections of the total amount of
3 financial assistance anticipated and the amount of obligations
4 that will be necessary to provide the projected level of
5 assistance during the next fiscal year.

6 Section 517. Section 1009.9989, Florida Statutes, is
7 created to read:

8 1009.9989 Act as alternative method.--This act shall
9 be deemed to provide a complete, additional, and alternative
10 method for the doing of the things authorized hereby and shall
11 be regarded as supplemental and additional to powers or rights
12 conferred by other laws; however, the issuance of obligations
13 and refunding obligations under this act need not comply with
14 the requirements of any other law applicable to the issuance
15 of obligations. Except as otherwise expressly provided in
16 this act, none of the powers granted to an authority under
17 this act shall be subject to the supervision or regulation, or
18 require the approval or consent, of any municipality or
19 political subdivision or any department, division, commission,
20 board, body, bureau, official, or agency thereof or of the
21 state.

22 Section 518. Section 1009.9990, Florida Statutes, is
23 created to read:

24 1009.9990 State agreement.--The state does hereby
25 pledge to and agree with the holders of any obligations issued
26 under this act, and with those parties who may enter into
27 contracts with an authority pursuant to the provisions of this
28 act, that the state will not limit or alter the rights hereby
29 vested in the authority until such obligations, together with
30 the interest thereon, are fully met and discharged and such
31 contracts are fully performed on the part of the authority;

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1 however, nothing herein contained shall preclude such
2 limitation or alteration if adequate provision is made by law
3 for the protection of the holders of such obligations of an
4 authority or those entering into such contracts with an
5 authority. An authority is authorized to include this pledge
6 and undertaking for the state in such obligations or
7 contracts.

8 Section 519. Section 1009.9991, Florida Statutes, is
9 created to read:

10 1009.9991 Conflicts of interest.--

11 (1) If any member, officer, or employee of an
12 authority has an interest, either direct or indirect, in any
13 contract to which the authority is, or is to be, a party or in
14 any institution requesting an authority loan from the
15 authority, such interest shall be disclosed to the authority
16 in writing and shall be set forth in the minutes of the
17 authority. The person having such interest shall not
18 participate in any action by the authority with respect to
19 such contract or such institution.

20 (2) Nothing in this section shall be construed to
21 limit the right of any member, officer, or employee of an
22 authority to acquire an interest in bonds of the authority or
23 to have an interest in any banking institution in which the
24 bonds of the authority are, or are to be, deposited or which
25 is, or is to be, acting as trustee or paying agent under any
26 bond resolution, trust indenture, or similar instrument to
27 which the authority is a party.

28 Section 520. Section 1009.9992, Florida Statutes, is
29 created to read:

30 1009.9992 Liberal construction.--This act, being
31 necessary for the welfare of the state and its inhabitants,

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1 shall be liberally construed to effect its purpose.

2 Section 521. Section 1009.9993, Florida Statutes, is
3 created to read:

4 1009.9993 Tax exemption.--Neither an authority nor its
5 agent or trustee shall be required to pay any taxes or
6 assessments upon any transactions, or any property acquired or
7 used by the authority or its agents or trustees under the
8 provisions of this act or upon the income therefrom. Any
9 bonds, notes, or other obligations issued under the provisions
10 of this act and their transfer and the income therefrom,
11 including any profit made on the sale thereof, shall at all
12 times be exempt from taxation of any kind by the state or any
13 of its political subdivisions. The exemption granted by this
14 section shall not be applicable to any tax imposed by chapter
15 220 on interest, income, or profits on debt obligations owned
16 by corporations.

17 Section 522. Section 1009.9994, Florida Statutes, is
18 created to read:

19 1009.9994 State Board of Administration authority to
20 borrow and lend funds to finance student loans; conditions and
21 limitations.--

22 (1) The State of Florida, acting through the State
23 Board of Administration, is authorized to borrow funds to
24 finance student loans and to lend such funds to eligible
25 lenders described under the provisions of the Higher Education
26 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may
27 be amended, or other federal laws providing for the guarantee
28 of loans to students and the partial payment of interest on
29 such loans by the United States Government.

30 (2) In order to obtain such funds, the State of
31 Florida, acting through the State Board of Administration, is

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1 authorized to enter into loan agreements and interlocal
2 agreements with any county, municipality, special district, or
3 other local governmental body. Such agreements shall be for
4 such periods and under such terms and conditions as may be
5 mutually agreed upon by the parties thereto in order to carry
6 out the purposes of s. 15, Art. VII of the State Constitution.
7 The loans shall be repaid only from the proceeds received
8 under loan agreements with eligible lenders or from the
9 proceeds received from the repayment of the student loans.
10 Such agreements shall provide that the loans to the state will
11 not constitute a general or moral obligation or a pledge of
12 the faith and credit or the taxing power of the state.

13 (3) The State of Florida, acting through the State
14 Board of Administration, is further authorized to enter into
15 loan agreements or other contracts under which the state will
16 loan the funds obtained from the local governments to eligible
17 lenders as defined in s. 435(g)(1)(D) of the Higher Education
18 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may
19 be amended, or other federal laws providing for the guarantee
20 of loans to students and the partial payment of interest on
21 such loans by the United States Government. Such agreements
22 or contracts shall be for such periods and under such terms
23 and conditions as may be mutually agreed upon by the parties
24 thereto in order to carry out the purposes of s. 15, Art. VII
25 of the State Constitution. Higher Education Loan Program of
26 Florida, Inc., a Florida nonprofit corporation, is hereby
27 designated an eligible lender hereunder, and any other lender,
28 to the extent permitted under s. 435(g)(1)(D) of the Higher
29 Education Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended
30 or as may be amended, or other federal laws providing for the
31 guarantee of loans to students and the partial payment of

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1 interest on such loans by the United States Government, may be
2 designated by the Governor, with the concurrence of the State
3 Board of Administration, as an eligible lender hereunder.

4 (4) The State of Florida, acting through the State
5 Board of Administration, is further authorized to enter into
6 such further contracts and to take such further actions as may
7 be necessary or convenient in order to carry out the purposes
8 of this section.

9 (5) Notice shall be published in a newspaper of
10 general circulation within the territorial jurisdiction of the
11 governmental body following adoption by the local governmental
12 body of a resolution authorizing a loan agreement or
13 interlocal agreement under this section. An action or
14 proceeding to contest the validity of any such loan agreement
15 or interlocal agreement must be commenced within 30 days after
16 publication of such notice.

17 (6) The provisions of this section shall be liberally
18 construed in order to effectively carry out its purposes.
19 This section shall be deemed to provide an additional and
20 alternative method for the doing of the things authorized
21 hereby and shall be regarded as supplemental to powers
22 conferred by other laws, and shall not be regarded as in
23 derogation of any powers now existing.

24 Section 523. Contingent upon ss. 1011.41 and
25 1011.4106, Florida Statutes, which transfer funding associated
26 with student tuition and fees and other authorized fees for
27 services to local accounts to be managed by university boards
28 of trustees, becoming law, the total receipts of the state
29 which are subject to the revenue limitations of Article VII,
30 Section 1(e) of the Florida Constitution shall be reduced by
31 the Revenue Estimation Conference to reflect this transfer.

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1 Section 524. Chapter 1010, Florida Statutes, shall be
2 entitled "Financial Matters" and shall consist of ss.
3 1010.01-1010.86.

4 Section 525. Part I of chapter 1010, Florida Statutes,
5 shall be entitled "General Accounting Requirements" and shall
6 consist of ss. 1010.01-1010.11.

7 Section 526. Section 1010.01, Florida Statutes, is
8 created to read:

9 1010.01 Uniform records and accounts.--

10 (1) The financial records and accounts of each school
11 district, community college, university, and other institution
12 or agency under the supervision of the State Board of
13 Education shall be prepared and maintained as prescribed by
14 law and rules of the State Board of Education.

15 (2) Rules of the State Board of Education shall
16 incorporate the requirements of law and the appropriate
17 requirements of the Governmental Accounting Standards Board
18 (GASB) for State and Local Government.

19 (3) Required financial accounts and reports shall
20 include provisions that are unique to each of the following:
21 K-12 school districts, community colleges, and state
22 universities, and shall provide for the data to be reported to
23 the National Center of Educational Statistics and other
24 governmental and professional educational data information
25 services as appropriate.

26 Section 527. Section 1010.011, Florida Statutes, is
27 created to read:

28 1010.011 Definition.--For purposes of chapters 1010
29 and 1011, the following terms: university, universities, and
30 university board of trustees include New College under the
31 supervision of the State Board of Education.

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1 Section 528. Section 1010.02, Florida Statutes, is
2 created to read:

3 1010.02 Financial accounting and expenditures.--All
4 funds accruing to a school district, a community college, or a
5 university must be received, accounted for, and expended in
6 accordance with law and rules of the State Board of Education.

7 Section 529. Section 1010.03, Florida Statutes, is
8 created to read:

9 1010.03 Delinquent accounts.--District school boards,
10 community college boards of trustees, and university boards of
11 trustees:

12 (1) Shall exert every effort to collect all delinquent
13 accounts.

14 (2) May charge off or settle such accounts as may
15 prove uncollectible.

16 (3) May employ the services of a collection agency
17 when deemed advisable in collecting delinquent accounts.

18 (4) May adopt rules, as necessary, to implement the
19 provisions of this section, including setoff procedures,
20 payroll deductions, and restrictions on release of
21 transcripts, awarding of diplomas, and access to other
22 resources and services of the school district, community
23 college, or university.

24 Section 530. Section 1010.04, Florida Statutes, is
25 created to read:

26 1010.04 Purchasing.--

27 (1) Purchases and leases by school districts,
28 community colleges, and universities shall comply with the
29 requirements of law and rules of the State Board of Education.

30 (2) Each district school board, community college
31 board of trustees, and each university board of trustees shall

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1 adopt rules to be followed in making purchases.

2 (3) In districts in which the county purchasing agent
3 is authorized by law to make purchases for the benefit of
4 other governmental agencies within the county, the district
5 school board and community college board of trustees shall
6 have the option to purchase from the current county contracts
7 at the unit price stated therein if such purchase is to the
8 economic advantage of the district school board or the
9 community college board of trustees; subject to confirmation
10 of the items of purchase to the standards and specifications
11 prescribed by the school district or community college.

12 (4) The State Board of Education may, by rule, provide
13 for alternative procedures for bidding or purchasing in cases
14 in which the character of the item requested renders
15 competitive bidding impractical.

16 Section 531. Section 1010.05, Florida Statutes, is
17 created to read:

18 1010.05 Federal grants; maximization of indirect cost
19 allowance.--The Department of Education shall maximize the
20 available federal indirect cost allowed on all federal grants.
21 Beginning with the 2002-2003 fiscal year, none of the funds
22 received from indirect cost allowance shall be expended by the
23 department without specific appropriation by the Legislature.
24 Funds received pursuant to s. 1004.22 are specifically exempt
25 from this provision.

26 Section 532. Section 1010.07, Florida Statutes, is
27 created to read:

28 1010.07 Bonds or insurance required.--

29 (1) Each district school board, community college
30 board of trustees, and university board of trustees shall
31 ensure that each official and employee responsible for

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1 handling, expending, or authorizing the expenditure of funds
2 shall be appropriately bonded or insured to protect the board
3 and the funds involved.

4 (2) Contractors paid from school district, community
5 college, or university funds shall give bond for the faithful
6 performance of their contracts in such amount and for such
7 purposes as prescribed by s. 255.05 or by rules of the State
8 Board of Education relating to the type of contract involved.
9 It shall be the duty of the district school board, community
10 college board of trustees, and university board of trustees to
11 require construction contractors a bond adequate to protect
12 the board and the board's funds involved.

13 Section 533. Section 1010.08, Florida Statutes, is
14 created to read:

15 1010.08 Promotion and public relations; funding.--Each
16 district school board and community college board of trustees
17 may budget and use a portion of the funds accruing to it from
18 auxiliary enterprises and undesignated gifts for promotion and
19 public relations as prescribed by rules of the State Board of
20 Education. Such funds may be used to provide hospitality to
21 business guests in the district or elsewhere. However, such
22 hospitality expenses may not exceed the amount authorized for
23 such contingency funds as prescribed by rules of the State
24 Board of Education.

25 Section 534. Section 1010.09, Florida Statutes, is
26 created to read:

27 1010.09 Direct-support organizations.--School
28 district, community college, and university direct-support
29 organizations shall be organized and conducted under the
30 provisions of ss. 1004.28, 1004.70, 1013.77 and rules of the
31 State Board of Education, as applicable.

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1 Section 535. Section 1010.11, Florida Statutes, is
2 created to read:

3 1010.11 Electronic transfer of funds.--Pursuant to the
4 provisions of s. 215.85, each district school board, community
5 college board of trustees, and university board of trustees
6 shall adopt written policies prescribing the accounting and
7 control procedures under which any funds under their control
8 are allowed to be moved by electronic transaction for any
9 purpose including direct deposit, wire transfer, withdrawal,
10 or investment. Electronic transactions shall comply with the
11 provisions of chapter 668.

12 Section 536. Part II of chapter 1010, Florida
13 Statutes, shall be entitled "Financial Reporting" and shall
14 consist of ss. 1010.20-1010.24.

15 Section 537. Section 1010.20, Florida Statutes, is
16 created to read:

17 1010.20 Cost accounting and reporting for school
18 districts.--

19 (1) COST ACCOUNTING.--Each school district shall
20 account for expenditures of all state, local, and federal
21 funds on a school-by-school and a district-aggregate basis in
22 accordance with the manual developed by the Department of
23 Education or as provided by law.

24 (2) COST REPORTING.--

25 (a) Each district shall report on a district-aggregate
26 basis expenditures for inservice training pursuant to s.
27 1011.62(3) and for categorical programs as provided in s.
28 1011.62(5).

29 (b) Each district shall report on a school-by-school
30 and on an aggregate district basis expenditures for each
31 program funded in s. 1011.62(1)(c).

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1 (c) The Commissioner of Education shall present to the
2 Legislature, prior to the opening of the regular session each
3 year, a district-by-district report of the expenditures
4 reported pursuant to paragraphs (a) and (b). The report shall
5 include total expenditures, a detailed analysis showing
6 expenditures for each program, and such other data as may be
7 useful for management of the education system. The
8 Commissioner of Education shall also compute cost factors
9 relative to the base student allocation for each funded
10 program in s. 1011.62(1)(c).

11 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

12 (a) Each district shall expend at least the percent of
13 the funds generated by each of the programs listed in this
14 section on the aggregate total school costs for such programs:

15 1. Kindergarten and grades 1, 2, and 3, 90 percent.

16 2. Grades 4, 5, 6, 7, and 8, 80 percent.

17 3. Grades 9, 10, 11, and 12, 80 percent.

18 4. Programs for exceptional students, on an aggregate
19 program basis, 90 percent.

20 5. Grades 7 through 12 career and technical education
21 programs, on an aggregate program basis, 80 percent.

22 6. Students-at-risk programs, on an aggregate program
23 basis, 80 percent.

24 7. Juvenile justice programs, on an aggregate program
25 basis, 80 percent.

26 8. Any new program established and funded under s.
27 1011.62(1)(c), that is not included under subparagraphs 1.-6.,
28 on an aggregate basis as appropriate, 80 percent.

29 (b) Funds for inservice training established in s.
30 1011.62(3) and for categorical programs established in s.
31 1011.62(5) shall be expended for the costs of the identified

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1 programs as provided by law and in accordance with the rules
2 of the State Board of Education.

3 Section 538. Section 1010.21, Florida Statutes, is
4 created to read:

5 1010.21 Indirect costs.--District school boards shall
6 assess district indirect costs only for services received by
7 the program or institution against which such cost is
8 assessed. When assigning each specific indirect cost to
9 multiple programs or institutions, district school boards
10 shall identify one basis for the assessment of such cost and
11 shall maintain the same basis for assigning such cost to each
12 program or institution.

13 Section 539. Section 1010.215, Florida Statutes, is
14 created to read:

15 1010.215 Educational funding accountability.--

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

17 (a) "Administrative personnel" means those employees
18 responsible for management functions such as the development
19 of broad policies and implementation of those policies through
20 the direction of personnel.

21 (b) "Educational support personnel" means
22 district-based and school-based employees, including
23 professional staff, technicians, secretaries, clerks, skilled
24 workers, transportation employees, food service employees, and
25 custodial and maintenance workers.

26 (c) "Instructional personnel" means classroom
27 teachers, including substitute teachers.

28 (d) "Instructional specialists" means staff members
29 responsible for providing student personnel services,
30 librarians, and media specialists.

31 (e) "Instructional support personnel" means aides or

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1 assistants to instructional personnel or instructional
2 specialists.

3 (f) "Managers" means instructional and
4 noninstructional employees with some managerial and
5 supervisory functions, although primarily responsible for
6 general operations. This category includes only
7 district-based employees.

8 (2) Each district school board must classify each
9 employee of the district school board into one of the
10 following categories:

11 (a) Instructional personnel;

12 (b) Instructional specialists;

13 (c) Instructional support personnel;

14 (d) Administrative personnel;

15 (e) Managers; or

16 (f) Educational support personnel.

17

18 The district school board shall notify each employee of such
19 classification.

20 (3)(a) The school public accountability report to
21 parents must include the number of employees in each of the
22 categories listed in subsection (2), by work location.
23 However, this does not include the number of temporary
24 substitute employees.

25 (b) Any teacher-to-student ratio or class size measure
26 required by law or State Board of Education rule must be
27 computed by dividing the number of students in membership at
28 the school by the number of full-time equivalent instructional
29 personnel pursuant to paragraph (2)(a). Class size reports for
30 exceptional student education shall be computed by dividing
31 the number of exceptional students in membership by the number

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1 of full-time equivalent exceptional education classroom
2 teachers who are classified as instructional personnel
3 pursuant to paragraph (2)(a).

4 (4)(a) All expenditures within the general and special
5 revenue funds for each district school board, including
6 salaries, benefits, purchased services, energy services,
7 materials and supplies, capital outlay, and miscellaneous
8 expenditures, for the following purposes are classified as
9 administrative expenditures:

10 1. District school board.

11 2. General administration.

12 3. School administration, excluding support
13 expenditures.

14 4. Facilities acquisition and construction at the
15 district level.

16 5. Fiscal services.

17 6. Central services at the district level.

18 (b) All expenditures within the general and special
19 revenue funds for each district school board, including
20 salaries, benefits, purchased services, energy services,
21 materials and supplies, capital outlay, and miscellaneous
22 expenditures, for the following purposes are classified as
23 instructional expenditures:

24 1. Instruction.

25 2. Instructional support services, including student
26 personnel services, instructional media services, instruction
27 and curriculum development, and instructional staff training
28 services.

29 3. School administration, including support
30 expenditures.

31 4. Facilities acquisition and construction at the

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1 school level.

2 5. Food services.

3 6. Central services at the school level.

4 7. Student transportation services.

5 8. Operation of plant.

6 9. Maintenance of plant.

7

8 Definitions for the functions specified in this subsection are

9 specified in State Board of Education rules.

10 (5) The annual school public accountability report
11 required by ss. 1001.42(16) and 1008.345 must include a school
12 financial report. The purpose of the school financial report
13 is to better inform parents and the public concerning how
14 revenues were spent to operate the school during the prior
15 fiscal year. Each school's financial report must follow a
16 uniform, districtwide format that is easy to read and
17 understand.

18 (a) Total revenue must be reported at the school,
19 district, and state levels. The revenue sources that must be
20 addressed are state and local funds, other than lottery funds;
21 lottery funds; federal funds; and private donations.

22 (b) Expenditures must be reported as the total
23 expenditures per unweighted full-time equivalent student at
24 the school level and the average expenditures per full-time
25 equivalent student at the district and state levels in each of
26 the following categories and subcategories:

27 1. Teachers, excluding substitute teachers, and
28 education paraprofessionals who provide direct classroom
29 instruction to students enrolled in programs classified by s.
30 1011.62 as:

31 a. Basic programs;

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- 1 b. Students-at-risk programs;
2 c. Special programs for exceptional students;
3 d. Career education programs; and
4 e. Adult programs.
5 2. Substitute teachers.
6 3. Other instructional personnel, including
7 school-based instructional specialists and their assistants.
8 4. Contracted instructional services, including
9 training for instructional staff and other contracted
10 instructional services.
11 5. School administration, including school-based
12 administrative personnel and school-based education support
13 personnel.
14 6. The following materials, supplies, and operating
15 capital outlay:
16 a. Textbooks;
17 b. Computer hardware and software;
18 c. Other instructional materials;
19 d. Other materials and supplies; and
20 e. Library media materials.
21 7. Food services.
22 8. Other support services.
23 9. Operation and maintenance of the school plant.
24 (c) The school financial report must also identify the
25 types of district-level expenditures that support the school's
26 operations. The total amount of these district-level
27 expenditures must be reported and expressed as total
28 expenditures per full-time equivalent student.
29 (6) Based on the classifications in this section, each
30 district school board shall annually submit a report by
31 January 1, which identifies and summarizes administrative

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1 expenditures and instructional expenditures by fund for the
2 preceding fiscal year. The report shall also state the number
3 of unweighted full-time equivalent students enrolled in the
4 school district. The total amount of administrative
5 expenditures shall be divided by the number of unweighted
6 full-time equivalent students to determine the administrative
7 expenditures per student. This calculation is to be made
8 separately for the general and the special revenue funds. In
9 addition, the report shall reflect the number of employees in
10 each category outlined in subsection (2) and the percentage of
11 employees in each category, excluding the number of temporary
12 substitute employees. This report shall be submitted to the
13 commissioner and shall be made available to the public. The
14 school public accountability report shall contain notification
15 of the availability of this report.

16 Section 540. Section 1010.22, Florida Statutes, is
17 created to read:

18 1010.22 Cost accounting and reporting for workforce
19 education.--

20 (1) Each school district and each community college
21 shall account for expenditures of all state, local, federal,
22 and other funds in the manner prescribed by the State Board of
23 Education.

24 (2) Each school district and each community college
25 shall report expenditures for workforce education in
26 accordance with requirements prescribed by the State Board of
27 Education.

28 (3) The Department of Education, in cooperation with
29 school districts and community colleges, shall develop and
30 maintain a database of valid comparable information on
31 workforce education which will meet both state and local

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1 needs.

2 Section 541. Section 1010.23, Florida Statutes, is
3 created to read:

4 1010.23 Cost accounting and reporting for community
5 colleges.--Community colleges shall provide an annual report
6 on the cost of operations as provided in s. 1011.84.

7 Section 542. Section 1010.24, Florida Statutes, is
8 created to read:

9 1010.24 Cost accounting and reporting for
10 universities.--Universities shall provide an annual
11 expenditure analysis report as provided in s. 1011.90.

12 Section 543. Part III of chapter 1010, Florida
13 Statutes, shall be entitled "Audit Requirements and
14 Procedures" and shall consist of ss. 1010.30-1010.34.

15 Section 544. Section 1010.30, Florida Statutes, is
16 created to read:

17 1010.30 Audits required.--School districts, community
18 colleges, universities, and other institutions and agencies
19 under the supervision of the State Board of Education are
20 subject to the audit provisions under ss. 11.45 and 218.39.

21 Section 545. Section 1010.305, Florida Statutes, is
22 created to read:

23 1010.305 Audit of student enrollment.--

24 (1) The Auditor General shall periodically examine the
25 records of school districts, and other agencies as
26 appropriate, to determine compliance with law and State Board
27 of Education rules relating to the classification, assignment,
28 and verification of full-time equivalent student enrollment
29 and student transportation reported under the Florida
30 Education Finance Program.

31 (2) If it is determined that the approved criteria and

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1 procedures for the placement of students and the conduct of
2 programs have not been followed by the district, appropriate
3 adjustments in the full-time equivalent student count for that
4 district must be made, and any excess funds must be deducted
5 from subsequent allocations of state funds to that district.
6 As provided for by rule, if errors in a specific program of a
7 district recur in consecutive years due to lack of corrective
8 action by the district, adjustments may be made based upon
9 statistical estimates of error projected to the overall
10 district program.

11 Section 546. Section 1010.33, Florida Statutes, is
12 created to read:

13 1010.33 Financial and performance audits.--Each
14 district school board and community college board of trustees,
15 and university board of trustees is authorized to have an
16 audit of their accounts and records by an independent
17 certified public accountant retained by them and paid from
18 their public funds. These audits are in addition to those
19 required by ss. 11.45 and 218.39.

20 Section 547. Section 1010.34, Florida Statutes, is
21 created to read:

22 1010.34 Audits of direct-support
23 organizations.--Audits of school district, community college,
24 and state university direct-support organizations are subject
25 to the audit provisions of ss. 1013.77(4), 1004.28(5), and
26 1004.70(6), as applicable.

27 Section 548. Part IV of chapter 1010, Florida
28 Statutes, shall be entitled "Provisions Relating to Bonding"
29 and shall consist of ss. 1010.40-1010.619.

30 Section 549. Section 1010.40, Florida Statutes, is
31 created to read:

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1 1010.40 Proposals for issuing bonds.--Whenever the
2 residents of a school district in this state shall desire the
3 issuance of bonds by such school district for the purpose of
4 acquiring, building, enlarging, furnishing, or otherwise
5 improving buildings or school grounds, or for any other
6 exclusive use of the public schools within such school
7 district, they shall present to the district school board a
8 petition signed by not less than 25 percent of the duly
9 qualified electors residing within the school district,
10 setting forth in general terms the amount of the bonds desired
11 to be issued, the purpose thereof, and that the proceeds
12 derived from the sale of such bonds shall be used for the
13 purposes set forth in the petition. The requirement for such
14 petition may be dispensed with and the proposition of issuing
15 bonds for the purposes as herein outlined may be initiated by
16 the district school board of the said district; however,
17 nothing contained in this section shall repeal any of the
18 provisions of ss. 100.201-100.221, 100.241, 100.261-100.341,
19 and 100.351.

20 Section 550. Section 1010.41, Florida Statutes, is
21 created to read:

22 1010.41 Procedure of district school boards with
23 reference to proposals for issuing bonds.--It shall be the
24 duty of the district school board to plan the school financial
25 program of the district so that, insofar as practicable,
26 needed capital outlay expenditures can be made without the
27 necessity of issuing bonds. Whenever the district school board
28 proposes an issue of bonds or has received any petition
29 proposing the issuance of bonds, as provided in s. 1010.40,
30 the said board shall forthwith proceed as follows:

31 (1) The district school board, after considering

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1 recommendations submitted by the district school
2 superintendent, shall determine whether in its opinion the
3 projects for which bonds are proposed to be issued are
4 essential for the school program of the district.

5 (2) If the proposed projects are deemed essential by
6 the district school board or if the proposed projects are
7 rejected in whole or in part, the district school board shall,
8 if practicable, prepare a plan for carrying out the projects,
9 or at least part of the projects, with current funds which
10 have been or can be set aside for that purpose.

11 (3) If the district school board determines that any
12 portion of the projects cannot be carried out so that all
13 costs can be met from the proceeds of a special district
14 millage voted for that purpose or from district current funds
15 that are not needed for salaries of teachers or other
16 necessary expenses of operating the schools or from such funds
17 that can reasonably be expected to be available by the time
18 the projects are completed, or cannot be completed on the
19 basis of a loan against district current funds, approved in
20 accordance with s. 1011.14, the district school board shall
21 then determine the amount of bonds necessary to be issued to
22 complete the projects as proposed for the district and shall
23 adopt and transmit to the Department of Education a resolution
24 setting forth the proposals with reference to the projects and
25 the proposed plan for financing the projects, said resolution
26 to be in such form and contain such information as may be
27 prescribed by the State Board of Education. If the Department
28 of Education shall determine that the issuance of bonds as
29 proposed is unnecessary or is unnecessary in the amount and
30 according to the plan proposed, and shall notify the district
31 school board accordingly, the district school board shall then

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1 amend its resolution to conform to the recommendation of the
2 Department of Education, and no further action shall be taken
3 for a period of at least 1 year on the proposal for a bond
4 issue unless, within 30 days thereafter, a petition signed by
5 at least 35 percent of the qualified electors within the
6 district is received by the school board requesting that an
7 election be called to vote bonds for the purposes set forth
8 and in an amount which shall not exceed the amount of bonds
9 proposed by the district school board. If such a petition is
10 received by the district school board, as provided herein, or
11 if the resolution proposing a bond issue has been approved by
12 the Department of Education, the school board shall then
13 proceed at its next ensuing meeting to adopt a resolution
14 authorizing that an election be held for the purpose of
15 determining whether bonds shall be issued as proposed.

16 Section 551. Section 1010.42, Florida Statutes, is
17 created to read:

18 1010.42 Publication of resolution.--It shall be the
19 duty of the district school board, when the resolution
20 proposing a bond issue has been approved by the Department of
21 Education or when such a proposal has been rejected by the
22 Department of Education and a new petition signed by 35
23 percent of the qualified electors of the district has been
24 presented, and when the resolution authorizing an election has
25 been adopted as set forth above, to cause such resolution to
26 be published at least once each week for 2 consecutive weeks
27 in some newspaper published in the district. This resolution
28 may also include a notice of election as prescribed in s.
29 1010.43.

30 Section 552. Section 1010.43, Florida Statutes, is
31 created to read:

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1 1010.43 Notice of election; qualifications of
2 electors.--The district school board shall also, at the
3 meeting at which is passed the resolution provided for in s.
4 1010.41, order that an election shall be held in the school
5 district to determine whether or not there shall be issued by
6 the district the bonds provided for in such resolution, in
7 which election only the duly qualified electors thereof shall
8 vote; and prior to the time of holding such election, the
9 district school board shall cause to be published at least
10 once each week for 2 consecutive weeks in a newspaper
11 published in the district a notice of the holding of such
12 election, which shall specify the time and place or places of
13 the holding thereof. The resolution prescribed in s. 1010.41
14 may be incorporated in and published as a part of the notice
15 prescribed in this section.

16 Section 553. Section 1010.44, Florida Statutes, is
17 created to read:

18 1010.44 Conduct of election; form of ballot;
19 appointment of inspectors; canvassing returns.--The election,
20 provided for in s. 1010.43, shall be held at the place or
21 several places in the district where the last general election
22 was held throughout the district, unless the district school
23 board orders otherwise; and the district school board shall
24 appoint inspectors for the election and cause to be prepared
25 and furnished to the inspectors the ballots to be used at the
26 election; the form of ballots for such election shall be: "For
27 bonds" or "Against bonds." The inspectors shall make returns
28 to the the district school board immediately after the
29 election, and the school board shall hold a special meeting as
30 soon thereafter as practicable for the purpose of canvassing
31 the election returns and shall determine and certify its

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1 result.

2 Section 554. Section 1010.45, Florida Statutes, is
3 created to read:

4 1010.45 Result of election held.--If it appears by the
5 result of the election that a majority of the votes cast shall
6 be "For bonds," the district school board shall issue the
7 bonds authorized by the election for the purposes specified in
8 the resolution as published, not to exceed the amount named
9 therein. If the majority of the votes cast shall have been
10 "Against bonds," no bonds shall be issued.

11 Section 555. Section 1010.46, Florida Statutes, is
12 created to read:

13 1010.46 If election adverse, no second election within
14 6 months.--If the result of the election is adverse to the
15 issuance of the bonds, no election shall be held for such
16 purpose within 6 months thereafter. In the event such election
17 shall result or shall have resulted in an equal number of
18 votes being cast for the issuance of the bonds as shall be
19 cast adverse to issuance of bonds, the district school board
20 may call and order another or second election within the
21 district to have determined the question of whether the bonds
22 specified in the original petition and resolution shall be
23 issued by the district, after giving notice as provided for by
24 s. 1010.43, and it shall not be necessary to have presented to
25 the district school board further petitions to order the
26 second election.

27 Section 556. Section 1010.47, Florida Statutes, is
28 created to read:

29 1010.47 Receiving bids and sale of bonds.--

30 (1) If the issuance of bonds is authorized at the
31 election, or if any bonds outstanding against the district are

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1 being refunded, the district school board shall cause notice
2 to be given by publication in some newspaper published in the
3 district that the board will receive bids for the purchase of
4 the bonds at the office of the district school superintendent.
5 The notice shall be published twice and the first publication
6 shall be given not less than 30 days prior to the date set for
7 receiving the bids. The notice shall specify the amount of the
8 bonds offered for sale, shall state whether the bids shall be
9 sealed bids or whether the bonds are to be sold at auction,
10 and shall give the schedule of maturities of the proposed
11 bonds and such other pertinent information as may be
12 prescribed by rules of the State Board of Education. Bidders
13 may be invited to name the rate of interest that the bonds are
14 to bear or the district school board may name rates of
15 interest and invite bids thereon. In addition to publication
16 of notice of the proposed sale as set forth in this
17 subsection, the district school board shall notify in writing
18 at least three recognized bond dealers in the state, and, at
19 the same time, notify the Department of Education concerning
20 the proposed sale and enclose a copy of the advertisement.

21 (2) All bonds and refunding bonds issued as provided
22 by law shall be sold to the highest and best bidder at such
23 public sale unless sold at a better price or yield basis
24 within 30 days after failure to receive an acceptable bid at a
25 duly advertised public sale, provided that at no time shall
26 bonds or refunding bonds be sold or exchanged at less than par
27 value except as specifically authorized by the Department of
28 Education; and provided, further, that the district school
29 board shall have the right to reject all bids and cause a new
30 notice to be given in like manner inviting other bids for such
31 bonds, or to sell all or any part of such bonds to the State

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1 Board of Education at a price and yield basis that shall not
2 be less advantageous to the district school board than that
3 represented by the highest and best bid received. In the
4 marketing of the bonds the district school board shall be
5 entitled to have such assistance as can be rendered by the
6 Division of Bond Finance, the Commissioner of Education, or
7 any other public state officer or agency. In determining the
8 highest and best bidder for bonds offered for sale, the net
9 interest cost to the school board as shown in standard bond
10 tables shall govern, provided that the determination of the
11 district school board as to the highest and best bidder shall
12 be final.

13 Section 557. Section 1010.48, Florida Statutes, is
14 created to read:

15 1010.48 Bidders to give security.--The district school
16 board may require of all bidders for the bonds that they give
17 security by bond or by a deposit to the district school board
18 that the bidder shall comply with the terms of the bid, and
19 any bidder whose bid is accepted shall be liable to the
20 district school board for all damages on account of the
21 nonperformance of the terms of such bid or to a forfeiture of
22 the deposit required by the district school board.

23 Section 558. Section 1010.49, Florida Statutes, is
24 created to read:

25 1010.49 Form and denomination of bonds.--The district
26 school board may prescribe the denomination of the bonds to be
27 issued, and such bonds may be issued with or without interest
28 coupons in the discretion of the board. The form of the bonds
29 to be issued may be prescribed by the State Board of Education
30 on the recommendation of the Department of Legal Affairs. The
31 schedule of maturities of the proposed bonds shall be so

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1 arranged that the total payments required each year shall be
2 as nearly equal as practicable. The schedule shall provide
3 that all bonds are to be retired within a period of 20 years
4 from the date of issuance unless a longer period is required
5 and has been specifically approved by the Department of
6 Education. All bonds issued under this section that bear
7 interest in excess of 2.99 percent shall be callable on terms
8 prescribed by the district school board beginning not later
9 than 10 years from the date of issuance.

10 Section 559. Section 1010.50, Florida Statutes, is
11 created to read:

12 1010.50 Investment of fiduciary funds in bonds;
13 security for deposit of public funds.--School district bonds
14 authorized and issued under the provisions of this chapter
15 shall be lawful investments for fiduciary and trust funds,
16 including all funds in the control of trustees, assignees,
17 administrators, and executors, and may be accepted as security
18 for all deposits of public funds.

19 Section 560. Section 1010.51, Florida Statutes, is
20 created to read:

21 1010.51 Records to be kept and reports to be
22 made.--The district school board shall maintain a complete
23 record of all bonds issued under the provisions of this
24 chapter, which record shall show upon what authority the bonds
25 are issued, the amount for which issued, the persons to whom
26 issued, the date of issuance, the purpose or purposes for
27 which issued, the rate of interest to be paid, and the time
28 and place of payment of each installment of principal and
29 interest. This record shall be so arranged as to show the
30 amount of principal and interest to be paid each year and
31 shall also show the annual or semiannual payments which are

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1 made and the bonds which are canceled. In addition the
2 district school superintendent shall file with the Department
3 of Education in accordance with rules of the State Board of
4 Education reports giving such information as may be required
5 regarding any bonds which may be issued as provided herein.

6 Section 561. Section 1010.52, Florida Statutes, is
7 created to read:

8 1010.52 Bonds may be validated; validity of
9 bonds.--When an issue of bonds for any school district shall
10 be authorized in the manner provided under the terms of this
11 chapter, such bonds shall, in the discretion of the district
12 school board, be subject to validation in the manner provided
13 for in chapter 75. In lieu of validation as set forth in that
14 chapter, the district school board may, in its discretion,
15 submit to the Department of Legal Affairs all information
16 relating to the issuance of bonds as provided in said chapter
17 75, and an approving opinion of the Department of Legal
18 Affairs shall be sufficient evidence that the bonds are valid.
19 Bonds reciting that they are issued pursuant to the terms of
20 this chapter shall, in any action or proceeding involving
21 their validity, be conclusively deemed to be fully authorized
22 thereby, to have been issued, sold, executed, and delivered in
23 conformity therewith, and with all other provisions of law
24 applicable thereto, and shall be incontestable, anything
25 herein or in other statutes to the contrary notwithstanding,
26 unless such action or proceeding is begun before or within 30
27 days after the date upon which the bonds are sold, paid for
28 and delivered.

29 Section 562. Section 1010.53, Florida Statutes, is
30 created to read:

31 1010.53 Proceeds; how expended.--The proceeds derived

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1 from the sale of the bonds shall be held by the district
2 school board and shall be expended by the board for the
3 purpose for which the bonds were authorized for the school
4 district, and shall be held and expended in the manner
5 following:

6 (1) The district school board shall deposit, or cause
7 to be deposited, the proceeds arising from the sale of each
8 issue of bonds in a separate bond construction fund account in
9 the school depository.

10 (2) All or any part of the fund derived from the
11 proceeds of any such bond issue that in the judgment of the
12 district school board is not immediately needed may be placed
13 in the following securities maturing not later than the time
14 when the funds are reasonably expected to be needed:

15 (a) In investments listed in s. 218.415(16).

16 (b) In any bonds issued by the district; provided,
17 such bonds are not in default and can be obtained at a price
18 which will result in a net saving to the taxpayers of the
19 district.

20 (c) In any obligations of the district school board
21 approved in accordance with the provisions of ss. 1011.13,
22 1011.14, and 1011.15.

23 (d) In any bonds issued by the State Board of
24 Education or another school district.

25 Section 563. Section 1010.54, Florida Statutes, is
26 created to read:

27 1010.54 Disposition of surplus of bond issue.--Should
28 there remain any of the proceeds of the sale of school
29 district bonds after the purpose and object for which the
30 bonds were issued shall have been carried out and performed by
31 the district school board, the surplus then shall be held by

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1 the district school board and expended for the exclusive use
2 of the public schools within the school district as the
3 district school board may deem reasonable and proper.

4 Section 564. Section 1010.55, Florida Statutes, is
5 created to read:

6 1010.55 Additional bond issues.--After the issuance by
7 any school district of bonds in the manner authorized in this
8 chapter, the qualified electors of the school district may
9 thereafter, from time to time, in the manner herein provided
10 for, authorize one or more additional bond issues as they may
11 determine upon.

12 Section 565. Section 1010.56, Florida Statutes, is
13 created to read:

14 1010.56 Board of Administration to act as fiscal agent
15 in issuance and sale of motor vehicle anticipation
16 certificates.--

17 (1) In aid of the provisions of s. 18, Art. XII of the
18 State Constitution of 1885 as adopted by s. 9(d), Art. XII,
19 1968 revised constitution and the additional provisions of s.
20 9(d), the State Board of Administration may upon request of
21 the State Board of Education, act as fiscal agent for the
22 State Board of Education in the issuance and sale of any or
23 all bonds or motor vehicle tax anticipation certificates,
24 including any refunding of bonds, certificates or interest
25 coupons thereon which may be issued pursuant to the above
26 cited provisions of the State Constitution and upon request of
27 the State Board of Education the State Board of Administration
28 may take over the management, control, bond trusteeship,
29 administration, custody and payment of any or all debt service
30 or other funds or assets now or hereafter available for any
31 bonds or certificates issued for the purpose of obtaining

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1 funds for the use of any district school board or to pay, fund
2 or refund any bonds or certificates theretofore issued for
3 such purpose. The State Board of Education may from time to
4 time provide by its duly adopted resolution or resolutions the
5 duties said fiscal agent shall perform as authorized by this
6 section and such duties may be changed, modified or repealed
7 by subsequent resolution or resolutions as the State Board of
8 Education may deem appropriate, provided, however, that such
9 changes shall only affect the duties of the State Board of
10 Administration as fiscal agent and shall not affect or modify
11 the paramount constitutional authority of the State Board of
12 Education nor affect, modify, or impair the contract rights of
13 persons holding or owning the obligations so authorized to be
14 issued.

15 (2) No such bonds or motor vehicle tax anticipation
16 certificates shall ever be issued by the State Board of
17 Administration until after the adoption of a resolution
18 requesting the issuance thereof by the State Board of
19 Education for and on behalf of the district for which the
20 obligations are to be issued.

21 (3) All such bonds or certificates issued pursuant to
22 this part shall be issued in the name of the State Board of
23 Education but shall be issued for and on behalf of the
24 district school board requesting the issuance thereof and
25 shall be issued pursuant to any rules adopted by the State
26 Board of Education which are not in conflict with the
27 provisions of s. 18, Art. XII of the State Constitution of
28 1885 as adopted by s. 9(d), Art. XII, 1968 revised
29 constitution, and the additional provisions of s. 9(d).

30 (4) The proceeds of any sale of original bonds or
31 original certificates shall be deposited in the State Treasury

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1 to the credit of the particular construction account for which
2 the original bonds or original certificates were issued and
3 shall be under the direct control and supervision of the State
4 Board of Education, and withdrawals from such construction
5 accounts shall be made only upon warrants signed by the
6 Comptroller and drawn upon the Treasurer. Such warrants shall
7 be issued by the Comptroller only when the vouchers requesting
8 such warrants are accompanied by the certificates of the State
9 Board of Education to the effect that such withdrawals are
10 proper expenditures for the cost of the particular
11 construction account against which the requested warrants are
12 to be drawn.

13 (5) The State Board of Administration shall annually
14 determine the amounts necessary to meet the debt service
15 requirements of all bonds or certificates administered by it
16 pursuant to this section and shall certify to the State Board
17 of Education said amounts needed. The State Board of
18 Education, upon being satisfied that the amounts are correct,
19 shall pay the amounts direct to the State Board of
20 Administration for application by the State Board of
21 Administration as provided under the terms of the resolutions
22 authorizing the issuance of the bonds or certificates and as
23 provided in s. 18, Art. XII of the State Constitution of 1885
24 as adopted by s. 9(d), Art. XII, 1968 revised constitution,
25 and the additional provisions of s. 9(d).

26 (6) The expenses of the State Board of Administration
27 incident to the issuance and sale of any bonds or certificates
28 issued under the provisions of the constitution and under the
29 provisions of this section shall be paid from the proceeds of
30 the sale of the bonds or certificates or from the funds
31 distributable to each county under the provisions of s. 18(a),

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1 Art. XII of the Constitution of 1885 as adopted by s. 9(d),
2 Art. XII, 1968 revised constitution. All other expenses of the
3 State Board of Administration for services rendered
4 specifically for, or which are properly chargeable to the
5 account of any bonds or certificates issued for and on behalf
6 of any district school board under the above cited provisions
7 of the State Constitution shall be paid from the funds
8 distributable to each county under the provisions of s. 18(a),
9 Art. XII of the State Constitution of 1885 as adopted by s.
10 9(d), Art. XII, 1968 revised constitution; but general
11 expenses of the State Board of Administration for services
12 rendered all the districts alike shall be prorated among them
13 and paid from the funds distributable to each district on the
14 same basis as such funds are distributable under the
15 provisions of s. 18(a), Art. XII of the State Constitution of
16 1885 as adopted by s. 9(d), Art. XII, 1968 revised
17 constitution.

18 (7) The provisions of this section contemplate that it
19 will aid the State Board of Education and better serve the
20 purposes contemplated by s. 18, Art. XII of the State
21 Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968
22 revised constitution, and the additional provisions of s. 9(d)
23 and not be inconsistent therewith.

24 Section 566. Section 1010.57, Florida Statutes, is
25 created to read:

26 1010.57 Bonds payable from motor vehicle license tax
27 funds; instruction units computed.--

28 (1) For the purpose of administering the provisions of
29 s. 9(d), Art. XII of the State Constitution as amended in
30 1972, the number of current instruction units in districts
31 shall be computed annually by the Department of Education by

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1 multiplying the number of full-time equivalent students in
2 programs under s. 1011.62(1)(c) in each district by the cost
3 factors established in the General Appropriations Act and
4 dividing by 23, except that all basic program cost factors
5 shall be one, and the special program cost factors for
6 hospital and homebound I and for community service shall be
7 zero. Full-time equivalent membership for students residing in
8 Department of Children and Family Services residential care
9 facilities or identified as Department of Juvenile Justice
10 students shall not be included in this computation. Any
11 portion of the fund not expended during any fiscal year may be
12 carried forward in ensuing budgets and shall be temporarily
13 invested as prescribed by law or rules of the State Board of
14 Education.

15 (2) Whenever the State Board of Education issues bonds
16 or certificates for and on behalf of any district school
17 board, or whenever any district school board issues bonds or
18 certificates repayable from motor vehicle license tax funds,
19 the aggregate number of instruction units in the district in
20 any future school fiscal year, as authorized under the
21 amendment contained in s. 18, Art. XII of the State
22 Constitution of 1885 as amended and adopted by reference in s.
23 9(d), Art. XII of the Constitution of 1968, to the full extent
24 necessary to pay all principal of and interest on, and
25 reserves for, bonds or certificates issued for and on behalf
26 of the district or by the district school board in any school
27 fiscal year, as they become due and payable, shall be not less
28 than the aggregate number of instruction units in the district
29 for the school fiscal year preceding the school fiscal year in
30 which the bonds or certificates are issued, computed in
31 accordance with the statutes in force in the school fiscal

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1 year preceding the school fiscal year in which the bonds or
2 certificates are issued.

3 (3) The provisions of this section are not intended
4 to, and shall not, be applicable to, or confer any rights on,
5 any district to payments from said motor vehicle license taxes
6 except to the full extent necessary to pay all principal of
7 and interest on, and reserves for, bonds or certificates so
8 issued by the district school board and by the State Board of
9 Education for and on behalf of the school districts, in each
10 future school fiscal year as they mature and become due; and
11 except for such purpose, all payments of the amounts of the
12 motor vehicle license taxes distributable under the provisions
13 of s. 18, Art. XII of the State Constitution of 1885 as
14 amended and adopted by reference in s. 9(d), Art. XII of the
15 Constitution of 1968 shall continue to be made and distributed
16 to the districts in the manner provided by the amendment and
17 the general laws of Florida in force and effect at the time of
18 the distributions.

19 Section 567. Section 1010.58, Florida Statutes, is
20 created to read:

21 1010.58 Procedure for determining number of
22 instruction units for community colleges.--The number of
23 instruction units for community colleges shall be determined
24 from the full-time equivalent students in the community
25 college, provided that full-time equivalent students may not
26 be counted more than once in determining instruction units.
27 Instruction units for community colleges shall be computed as
28 follows:

29 (1) One unit for each 12 full-time equivalent students
30 at a community college for the first 420 students and one unit
31 for each 15 full-time equivalent students for all over 420

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1 students, in other than career and technical education
2 programs as defined by rules of the State Board of Education,
3 and one unit for each 10 full-time equivalent students in
4 career and technical education programs and compensatory
5 education programs as defined by rules of the State Board of
6 Education. Full-time equivalent students enrolled in a
7 community college shall be defined by rules of the State Board
8 of Education.

9 (2) For each 8 instruction units in a community
10 college, 1 instruction unit or proportionate fraction of a
11 unit shall be allowed for administrative and special
12 instructional services, and for each 20 instruction units, 1
13 instruction unit or proportionate fraction of a unit shall be
14 allowed for student personnel services.

15 Section 568. Section 1010.59, Florida Statutes, is
16 created to read:

17 1010.59 Interest rates.--All bonds issued by the State
18 Board of Education pursuant to the provisions of s. 9(a), Art.
19 XII of the State Constitution, as amended, may bear interest
20 at such rate or rates as may be determined by the State Board
21 of Education. However, the maximum rate of interest shall not
22 exceed the rates authorized under the provisions of s. 215.84.

23 Section 569. Section 1010.60, Florida Statutes, is
24 created to read:

25 1010.60 State Board of Education; issuance of bonds
26 pursuant to s. 11(f), Art. VII, State Constitution.--

27 (1) Pursuant to s. 11(f), Art. VII of the State
28 Constitution, the State Board of Education, supported by the
29 building fee, the capital improvement fee, or any other
30 revenue approved by the Legislature for facilities
31 construction, is authorized to request the issuance of bonds

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1 or other forms of indebtedness pursuant to the State Bond Act
2 to finance or refinance capital projects authorized by the
3 Legislature. In order to take advantage of economic
4 conditions, the Division of Bond Finance shall process
5 requests by the State Board of Education to refinance capital
6 projects under this section on a priority basis.

7 (2) The State Board of Education may approve the
8 issuance of revenue bonds or other forms of indebtedness by a
9 direct-support organization when such revenue bonds or other
10 forms of indebtedness are used to finance or refinance capital
11 projects which are to provide facilities necessary and
12 desirable to serve the needs and purposes of the university,
13 as determined by the systemwide strategic plan adopted by the
14 State Board of Education, and when the project has been
15 approved by the Legislature.

16 Section 570. Section 1010.61, Florida Statutes, is
17 created to read:

18 1010.61 Powers.--The State Board of Education shall
19 have all the powers necessary or advisable to carry out and
20 effectuate the purposes and provisions of s. 1010.60 and this
21 part and is hereby authorized:

22 (1) Pursuant to the State Bond Act, to borrow money
23 and issue interest-bearing revenue certificates or other forms
24 of indebtedness to acquire any projects approved by the
25 Legislature and to provide for the payment of the same and for
26 the rights of the holders thereof as herein provided.

27 (2) To pledge any trust funds which are available, and
28 not otherwise obligated, for purposes of securing the revenue
29 certificates and to combine such funds as the board may deem
30 appropriate.

31 (3) To adopt such rules as may be necessary for

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1 carrying out the requirements of this part and to perform all
2 acts and do all things necessary or convenient to carry out
3 the powers granted herein.

4 Section 571. Section 1010.611, Florida Statutes, is
5 created to read:

6 1010.611 Resolution for issuance of revenue
7 certificates.--The issuance of revenue certificates under the
8 provisions of this part and the State Bond Act shall be
9 requested by resolution of the State Board of Education. Said
10 revenue certificates shall bear interest at such rate or rates
11 not exceeding the interest rate limitations set forth in s.
12 215.84(3), provided that certificates may be sold at a
13 reasonable discount to par not to exceed 3 percent, except
14 that this limitation on discount does not apply to the portion
15 of the discount that constitutes original issue discount. The
16 revenue certificates may be issued in one or more series, may
17 bear such date or dates, may be in such denomination or
18 denominations, may mature at such time or times, not exceeding
19 30 years from their respective dates, may be in such form,
20 either coupon or registered, may carry such registration
21 privileges, may be executed in such manner, may be payable in
22 such medium of payment and at such place or places, may be
23 subject to such terms of redemption, with or without premium,
24 may contain such terms, covenants, and conditions, and may be
25 declared or become due before the maturity date thereof as
26 such resolution or other resolutions may provide. The revenue
27 certificate may be sold at public sale by competitive bid or
28 negotiated sale. Pending the preparation of the definitive
29 certificates, interim receipts or certificates in such form
30 and with such provisions as the board may determine may be
31 issued to the purchaser or purchasers of certificates sold

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1 pursuant to this part. The certificates and interim receipts
2 shall be fully negotiable within the meaning and for all the
3 purposes of the negotiable instruments law.

4 Section 572. Section 1010.612, Florida Statutes, is
5 created to read:

6 1010.612 Powers to secure revenue certificates.--The
7 State Board of Education, in connection with the issuance of
8 revenue certificates to acquire any projects for an
9 institution or in order to secure the payment of such revenue
10 certificates and interest thereon, shall have power by
11 resolution:

12 (1) To fix and maintain fees, rentals, and other
13 charges from students and others using or being served by, or
14 having the right to use, or having the right to be served by,
15 such projects.

16 (2) To provide that such revenue certificates shall be
17 secured by a first, exclusive, and closed lien on the income
18 and revenue (but not the real property of such institution)
19 derived from, and shall be payable from, fees, rentals, and
20 other charges from students and others using or being served
21 by, or having the right to use, or having the right to be
22 served by, such project.

23 (3) To pledge and assign to, or in trust for the
24 benefit of, the holder or holders of such revenue certificates
25 an amount of the income and revenue derived from fees,
26 rentals, and other charges from students and others using or
27 being served by, or having the right to use, or having the
28 right to be served by, such project.

29 (4) To covenant with or for the benefit of the holder
30 or holders of such revenue certificates that so long as any of
31 such revenue certificates shall remain outstanding and unpaid,

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1 such institution will fix, maintain, and collect in such
2 installments as may be agreed upon an amount of the fees,
3 rentals, and other charges from students and others using or
4 being served by, or having the right to use, or having the
5 right to be served by, such project, which shall be sufficient
6 to pay when due such revenue certificates and interest
7 thereon, and to create and maintain reasonable reserves
8 therefor, and to pay the cost of operation and maintenance of
9 such project, which costs of operation and maintenance shall
10 be determined by the board in its absolute discretion.

11 (5) To make and enforce and agree to make and enforce
12 parietal rules that shall ensure the use of such project by
13 all students in attendance at such institutions to the maximum
14 extent to which such project is capable of serving such
15 students.

16 (6) To covenant that so long as any of such revenue
17 certificates shall remain outstanding and unpaid, it will not,
18 except upon such terms and conditions as may be determined:

19 (a) Voluntarily create or cause to be created any
20 debt, lien, pledge, assignment, encumbrance or other charge
21 having priority to the lien of such revenue certificates upon
22 any of the income and revenues derived from fees, rentals, and
23 other charges from students and others using or being served
24 by, or having the right to use, or having the right to be
25 served by, such project, or

26 (b) Convey or otherwise alienate such project or the
27 real estate upon which such project shall be located, except
28 at a price sufficient to pay all such revenue certificates
29 then outstanding and interest accrued thereon, and then only
30 in accordance with any agreements with the holder or holders
31 of such revenue certificates.

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1 (7) To covenant as to the procedure by which the terms
2 of any contract with a holder or holders of such revenue
3 certificates may be amended or abrogated, the amount of
4 percentage of revenue certificates the holder or holders of
5 which must consent thereto, and the manner in which such
6 consent may be given.

7 (8) To vest in a trustee or trustees the right to
8 receive all or any part of the income and revenue pledged and
9 assigned to, or for the benefit of, the holder or holders of
10 such revenue certificates and to hold, apply and dispose of
11 the same and the right to enforce any covenant made to secure
12 or pay or in relation to such revenue certificates; to execute
13 and deliver a trust agreement or trust agreements which may
14 set forth the powers and duties and the remedies available to
15 such trustee or trustees and limiting the liabilities thereof
16 and describing what occurrences shall constitute events of
17 default and prescribing the terms and conditions upon which
18 such trustee or trustees or the holder or holders of revenue
19 certificates of any specified amount or percentage of such
20 revenue certificate may exercise such rights and enforce any
21 and all such covenants and resort to such remedies as may be
22 appropriate.

23 (9) To vest in a trustee or trustees or the holder or
24 holders of any specified amount or percentage of revenue
25 certificates the right to apply to any court of competent
26 jurisdiction for and have granted the appointment of a
27 receiver or receivers of the income and revenue pledged and
28 assigned to or for the benefit of the holder or holders of
29 such revenue certificates, which receiver or receivers may
30 have and be granted such powers and duties as such court may
31 order or decree for the protection of the revenue certificate

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1 holders.

2 (10) To make covenants with the holders of any bonds
3 and to perform any other duties and responsibilities which are
4 deemed necessary or advisable to enhance the security of such
5 bonds, and the marketability thereof, and which are customary
6 in accordance with the market requirements for the sale of
7 such bonds.

8 Section 573. Section 1010.613, Florida Statutes, is
9 created to read:

10 1010.613 Remedies of any holder of revenue
11 certificates.--Any holder or holders of revenue certificates,
12 including a trustee, or trustees for holders of such revenue
13 certificates, shall have the right, in addition to all other
14 rights, by mandamus or other suit, action, or proceeding in
15 any court of competent jurisdiction to enforce his or her or
16 their rights against the State Board of Education to fix and
17 collect such rentals and other charges adequate to carry out
18 any agreement as to or pledge of such fees, rentals, or other
19 charges, and require the State Board of Education to carry out
20 any other covenants and agreements and to perform its duties
21 under this part.

22 Section 574. Section 1010.614, Florida Statutes, is
23 created to read:

24 1010.614 Validity of revenue certificates.--The
25 revenue certificates bearing the signatures of officers in
26 office on the date of the signing thereof shall be valid and
27 binding obligations, notwithstanding that before the delivery
28 thereof and payment therefor any or all of the persons whose
29 signatures appear thereon shall have ceased to be officers of
30 the State Board of Education. The validity of the revenue
31 certificates shall not be dependent on nor affected by the

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1 validity or regularity of any proceedings to acquire the
2 project financed by the revenue certificates or taken in
3 connection therewith.

4 Section 575. Section 1010.615, Florida Statutes, is
5 created to read:

6 1010.615 Prohibitions against obligating
7 state.--Nothing in this part shall be construed to authorize
8 the State Board of Education to contract a debt on behalf of,
9 or in any way to obligate, the state, or to pledge, assign, or
10 encumber in any way, or to permit the pledging, assigning, or
11 encumbering in any way of, appropriations made by the
12 Legislature.

13 Section 576. Section 1010.616, Florida Statutes, is
14 created to read:

15 1010.616 Revenue certificate obligations of State
16 Board of Education.--All revenue certificates issued pursuant
17 to this part shall be obligations of the State Board of
18 Education, payable only in accordance with the terms thereof
19 and shall not be obligations general, special, or otherwise of
20 the state. Such revenue certificates shall not be a bond or
21 debt of the state, and shall not be enforceable against the
22 state, nor shall payment thereof be enforceable out of any
23 funds of the board other than the income and revenue pledged
24 and assigned to, or in trust for the benefit of, the holder or
25 holders of such revenue certificates.

26 Section 577. Section 1010.617, Florida Statutes, is
27 created to read:

28 1010.617 Tax exemption and eligibility as legal
29 investments.--

30 (1) The exercise of the powers granted by this part in
31 all respects constitutes the performance of essential public

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1 functions for the benefit of the people of the state. All
2 properties, revenues, or other assets of the State Board of
3 Education for which revenue certificates are issued under this
4 part, and all revenue certificates issued hereunder and the
5 interest thereon, shall be exempt from all taxation by any
6 agency or instrumentality of a county, municipality, or the
7 state. The exemption granted by this section is not applicable
8 to any tax imposed by chapter 220 on interest, income, or
9 profits on debt obligations owned by corporations.

10 (2) All obligations issued pursuant to this part shall
11 be and constitute legal investments without limitation for all
12 public bodies and for all banks, savings banks, guardians,
13 insurance funds, trustees, or other fiduciaries and shall be
14 and constitute eligible securities to be deposited as
15 collateral for security of any state, county, municipal, or
16 other public funds.

17 Section 578. Section 1010.618, Florida Statutes, is
18 created to read:

19 1010.618 Supplemental nature of part; construction and
20 purpose.--The powers conferred by this part shall be in
21 addition to and supplemental to, and the limitations imposed
22 by this part shall not affect, the powers conferred by any
23 other law, general or special, and revenue certificates may be
24 issued hereunder without any referendum, notwithstanding the
25 provisions of any other such law and without regard to the
26 procedure required by any other such law. Insofar as the
27 provisions of this part are inconsistent with the provisions
28 of any other law, general or special, the provisions of this
29 part shall be controlling.

30 Section 579. Section 1010.619, Florida Statutes, is
31 created to read:

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1 1010.619 Board of Administration to act as fiscal
2 agent.--Prior to the issuance of any revenue certificates, the
3 State Board of Education may request the State Board of
4 Administration to advise the State Board of Education as to
5 the fiscal sufficiency of the proposed issue. Upon sale and
6 delivery of any revenue certificates and disbursement of the
7 proceeds thereof pursuant to this part, the State Board of
8 Administration may upon request of the State Board of
9 Education take over the management, control, administration,
10 custody, and payment of any or all debt services or funds or
11 assets now or hereafter available for any revenue certificates
12 issued pursuant to this part. The State Board of
13 Administration shall upon request of the State Board of
14 Education invest all funds, including reserve funds, available
15 for any revenue certificates issued pursuant to this part in
16 the manner provided in s. 215.47. The State Board of Education
17 may from time to time provide by its duly adopted resolution
18 the duties the State Board of Administration shall perform,
19 and such duties may be changed, modified, or repealed by
20 subsequent resolution as the State Board of Education may deem
21 appropriate.

22 Section 580. Part V of chapter 1010, Florida Statutes,
23 shall be entitled "Trust Funds" and shall consist of ss.
24 1010.70-1010.86.

25 Section 581. Section 1010.70, Florida Statutes, is
26 created to read:

27 1010.70 Educational Enhancement Trust Fund.--Each
28 fiscal year, at least 38 percent of the gross revenue from the
29 sale of lottery tickets and other earned revenue, excluding
30 application processing fees, shall be deposited in the
31 Educational Enhancement Trust Fund as provided in s. 24.121.

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1 Section 582. Section 1010.71, Florida Statutes, is
2 created to read:

3 1010.71 State School Trust Fund.--

4 (1) The State School Trust Fund shall be derived from
5 the following sources:

6 (a) The proceeds of all lands that have been or may
7 hereafter be granted to the state by the United States for
8 public school purposes;

9 (b) Donations to the state when the purpose is not
10 specified;

11 (c) Appropriations by the state;

12 (d) The proceeds of escheated property or forfeitures;

13 and

14 (e) Twenty-five percent of the sales of public lands
15 which are now or may hereafter be owned by the state.

16 (2) The land comprising part of the State School Trust
17 Fund shall not be subject to taxes of any kind whatsoever, but
18 shall enjoy constitutional immunity therefrom, nor shall taxes
19 of any kind be imposed thereon; nor, since not subject to tax,
20 shall the state or any state agency be liable for taxes or the
21 equivalent thereof sought to be imposed upon said land. All
22 outstanding tax sale certificates against land of the State
23 School Trust Fund are hereby canceled.

24 Section 583. Section 1010.72, Florida Statutes, is
25 created to read:

26 1010.72 Excellent Teaching Program Trust Fund.--The

27 Excellent Teaching Program Trust Fund is created to be
28 administered by the Department of Education. Funds must be
29 credited to the trust fund as provided in chapter 98-309, Laws
30 of Florida, to be used for the purposes set forth therein.

31 Section 584. Section 1010.73, Florida Statutes, is

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1 created to read:

2 1010.73 State Student Financial Assistance Trust
3 Fund.--

4 (1) The State Student Financial Assistance Trust Fund
5 is hereby created, to be administered by the Department of
6 Education. Funds shall be credited to the trust fund as
7 provided in the General Appropriations Act or similar
8 legislation, to be used for the purposes set forth therein.

9 (2) The department may transfer into this trust fund
10 general revenue, private donations for the purpose of matching
11 state funds, and federal receipts for scholarships and grant
12 programs. An individual account code shall be established for
13 each funded scholarship and grant program for accountability
14 purposes.

15 (3) Notwithstanding the provisions of s. 216.301, and
16 pursuant to s. 216.351, any balance in the trust fund at the
17 end of any fiscal year shall remain in the trust fund and
18 shall be available for carrying out the purposes of the trust
19 fund.

20 Section 585. Section 1010.731, Florida Statutes, is
21 created to read:

22 1010.731 Student Loan Guaranty Reserve Trust
23 Fund.--Chapter 99-35, Laws of Florida, re-created the Student
24 Loan Guaranty Reserve Trust Fund to be used by the Department
25 of Education for the administration of the guaranteed student
26 loan program as provided in s. 1009.92.

27 Section 586. Section 1010.74, Florida Statutes, is
28 created to read:

29 1010.74 Educational Certification and Services Trust
30 Fund.--The proceeds from the collection of certification fees,
31 finer, penalties, and costs levied pursuant to s. 1012.59

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1 shall be remitted by the Department of Education to the
2 Treasurer for deposit into and disbursed from the "Educational
3 Certification and Services Trust Fund" as re-created by
4 chapter 99-31, Laws of Florida.

5 Section 587. Section 1010.75, Florida Statutes, is
6 created to read:

7 1010.75 Teacher Certification Examination Trust
8 Fund.--The proceeds for the certification examination fee
9 levied pursuant to s. 1012.59 shall be remitted by the
10 Department of Education to the Treasurer for deposit into and
11 disbursed for the "Teacher Certification Examination Trust
12 Fund" as re-created by chapter 99-28, Laws of Florida.

13 Section 588. Section 1010.76, Florida Statutes, is
14 created to read:

15 1010.76 Educational Aids Trust Fund.--Chapter 99-27,
16 Laws of Florida, re-created the Educational Aids Trust Fund to
17 administer receipts and disbursements for federal grants
18 received by the Department of Education.

19 Section 589. Section 1010.77, Florida Statutes, is
20 created to read:

21 1010.77 Food and Nutrition Services Trust
22 Fund.--Chapter 99-34, Laws of Florida, re-created the Food and
23 Nutrition Services Trust Fund to record revenue and
24 disbursements of Federal Food and Nutrition funds received by
25 the Department of Education as authorized in s. 1006.06.

26 Section 590. Section 1010.78, Florida Statutes, is
27 created to read:

28 1010.78 Projects, Contracts, and Grants Trust
29 Fund.--There is created in the Department of Education the
30 Projects, Contracts, and Grants Trust Fund. The personnel
31 employed to plan and administer grants or contracts for

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1 specific projects shall be considered in time-limited
2 employment not to exceed the duration of the grant or until
3 completion of the project, whichever first occurs. Such
4 employees shall not acquire retention rights under the Career
5 Service System. Any employee holding permanent career service
6 status in a Department of Education position who is appointed
7 to a position under the Projects, Contracts, and Grants Trust
8 Fund shall retain such permanent status in the career service
9 position.

10 Section 591. Section 1010.79, Florida Statutes, is
11 created to read:

12 1010.79 Sophomore Level Test Trust Fund.--Chapter
13 99-26, Laws of Florida, re-created the Sophomore Level Test
14 Trust Fund to record revenue and disbursements of examination
15 fees received by the Department of Education as authorized in
16 s. 1008.29.

17 Section 592. Section 1010.80, Florida Statutes, is
18 created to read:

19 1010.80 Educational Media and Technology Trust
20 Fund.--Chapter 99-25, Laws of Florida, re-created the
21 Educational Media and Technology Trust Fund to record revenue
22 and disbursements by the Department of Education for the cost
23 of producing and disseminating educational materials and
24 products as authorized in s. 1006.39.

25 Section 593. Section 1010.81, Florida Statutes, is
26 created to read:

27 1010.81 Knott Data Center Working Capital Trust
28 Fund.--Chapter 99-29, Laws of Florida, re-created the Knott
29 Data Center Working Capital Trust Fund to record the revenue
30 from fees paid for services provided by the Department of
31 Education's data center and disbursements to pay the costs of

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1 operating the data center as authorized in s. 216.272.

2 Section 594. Section 1010.82, Florida Statutes, is
3 created to read:

4 1010.82 Textbook Bid Trust Fund.--Chapter 99-36, Laws
5 of Florida, re-created the Textbook Bid Trust Fund to record
6 the revenue and disbursements of textbook bid performance
7 deposits submitted to the Department of Education as required
8 in s. 1006.32.

9 Section 595. Section 1010.83, Florida Statutes, is
10 created to read:

11 1010.83 Institutional Assessment Trust Fund.--

12 (1) Chapter 99-32, Laws of Florida, re-created the
13 Institutional Assessment Trust Fund to be administered by the
14 Department of Education pursuant to this section and rules of
15 the State Board of Education. The trust fund shall consist of
16 all fees and fines imposed upon nonpublic colleges and schools
17 pursuant to this chapter, including all fees collected from
18 nonpublic colleges for participation in the common course
19 designation and numbering system. The department shall
20 maintain separate revenue accounts for independent colleges
21 and universities; nonpublic career education; and the
22 Department of Education.

23 (2) Funds from the trust fund shall be used for
24 purposes including, but not limited to, the following:

25 (a) Authorized expenses of the respective boards in
26 carrying out their required duties.

27 (b) Financial assistance programs for students who
28 attend nonpublic institutions licensed by the board.

29 (c) Educational programs for the benefit of current
30 and prospective owners, administrators, agents, authorized
31 groups of individuals, and faculty of institutions receiving a

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1 license, a certificate of exemption, or an authorization by
2 the board.

3 (d) Authorized expenses of the Department of Education
4 incurred as a result of the inclusion of nonpublic colleges in
5 the statewide course numbering system.

6 (3) The board may utilize other individuals or
7 entities to administer the programs authorized in subsection
8 (2).

9 Section 596. Section 1010.84, Florida Statutes, is
10 created to read:

11 1010.84 Displaced Homemaker Trust Fund.--Chapter
12 99-33, Laws of Florida, re-created the Displaced Homemaker
13 Trust Fund to record revenue and disbursements from fees as
14 authorized in s. 446.50.

15 Section 597. Section 1010.85, Florida Statutes, is
16 created to read:
17 1010.85 Phosphate Research Trust Fund.--Chapter 99-45,
18 Laws of Florida, re-created the Phosphate Research Trust Fund
19 to record the revenue and disbursements from tax on severance
20 of phosphate rock as provided in s. 211.3103.

21 Section 598. Section 1010.86, Florida Statutes, is
22 created to read:

23 1010.86 Administration of capital improvement and
24 building fees trust funds.--The State Board of Education shall
25 administer the Capital Improvement Fee Trust Fund and the
26 Building Fee Trust Fund which include receipts from capital
27 improvement and building student fee assessments, interest
28 earnings, and subsidy grants. All funds, except those to be
29 used for debt service payments, reserve requirements, and
30 educational research centers for child development, pursuant
31 to s. 1011.48, shall be used to fund projects appropriated by

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1 the Legislature. Projects funded pursuant to this section may
2 be expanded by the use of supplemental funds such as grants,
3 auxiliary enterprises, private donations, and other nonstate
4 sources.

5 Section 599. Chapter 1011, Florida Statutes, shall be
6 entitled "Planning and Budgeting" and shall consist of ss.
7 1011.01-1011.93.

8 Section 600. Part I of chapter 1011, Florida Statutes,
9 shall be entitled "Preparation, Adoption, and Implementation
10 of Budgets" and shall consist of ss. 1011.01-1011.57.

11 Section 601. Section 1011.01, Florida Statutes, is
12 created to read:

13 1011.01 Budget system established.--

14 (1) The State Board of Education shall prepare and
15 submit a coordinated K-20 education annual legislative budget
16 request to the Governor and the Legislature on or before the
17 date provided by the Governor and the Legislature. The board's
18 legislative budget request must clearly define the needs of
19 school districts, community colleges, universities, other
20 institutions, organizations, programs, and activities under
21 the supervision of the board and that are assigned by law or
22 the General Appropriations Act to the Department of Education.

23 (2) There shall be established in each school
24 district, community college, and university a budget system as
25 prescribed by law and rules of the State Board of Education.

26 (3) Each district school board, each community college
27 board of trustees, and each state university board of trustees
28 shall prepare, adopt, and submit to the Commissioner of
29 Education for review an annual operating budget. Operating
30 budgets shall be prepared and submitted in accordance with the
31 provisions of law, rules of the State Board of Education, the

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1 General Appropriations Act, and for district school boards in
2 accordance with the provisions of ss. 200.065 and 1011.64.

3 Section 602. Section 1011.011, Florida Statutes, is
4 created to read:

5 1011.011 Legislative capital outlay budget
6 request.--The State Board of Education shall submit an
7 integrated, comprehensive budget request for educational
8 facilities construction and fixed capital outlay needs for
9 school districts, community colleges, and universities
10 pursuant to this section and 1013.46 and applicable provisions
11 of chapter 216.

12 Section 603. Section 1011.012, Florida Statutes, is
13 created to read:

14 1011.012 Annual capital outlay budget.--

15 (1) Each district school board, community college
16 board of trustees, and university board of trustees shall,
17 each year, adopt a capital outlay budget for the ensuing year
18 in order that the capital outlay needs of the board for the
19 entire year may be well understood by the public. This capital
20 outlay budget shall be a part of the annual budget and shall
21 be based upon and in harmony with the educational plant and
22 ancillary facilities plan. This budget shall designate the
23 proposed capital outlay expenditures by project for the year
24 from all fund sources. The board may not expend any funds on
25 any project not included in the budget, as amended.

26 (2) Each district school board must prepare its
27 tentative district facilities work program as required by s.
28 1013.35 before adopting the capital outlay budget.

29 Section 604. Part I.a. of chapter 1011, Florida
30 Statutes, shall be entitled "District School Boards:
31 Preparation, Adoption, and Implementation of Budgets" and

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1 shall consist of ss. 1011.02-1011.24.

2 Section 605. Section 1011.02, Florida Statutes, is
3 created to read:

4 1011.02 District school boards to adopt tentative
5 budget.--

6 (1) On or before the date prescribed in rules of the
7 State Board of Education, each district school board shall
8 receive and examine the tentative budget submitted by the
9 district school superintendent, and shall require such changes
10 to be made, in keeping with the purposes of the school code,
11 as may be to the best interest of the school program in the
12 district.

13 (2) The district school board shall determine, within
14 prescribed limits, the reserves to be allotted for
15 contingencies, and the cash balance to be carried forward at
16 the end of the year. If the district school board shall
17 require any changes to be made in receipts, in the reserves
18 for contingencies, or in the cash balance to be carried
19 forward at the end of the year, it shall also require
20 necessary changes to be made in the appropriations for
21 expenditures so that the budget, as changed, will not contain
22 appropriations for expenditures and reserves in excess of, or
23 less than, estimated receipts and balances.

24 (3) The proposed budget shall include an amount for
25 local required effort for current operation, in accordance
26 with the requirements of s. 1011.62(4).

27 (4) When a tentative budget has been prepared in
28 accordance with rules of the State Board of Education, the
29 proposed expenditures, plus transfers, and balances shall not
30 exceed the estimated income, transfers, and balances. The
31 budget and each of the parts thereof shall balance.

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1 (5) The district school board shall adopt a tentative
2 budget.

3 Section 606. Section 1011.03, Florida Statutes, is
4 created to read:

5 1011.03 Public hearings; budget to be submitted to
6 Department of Education.--

7 (1) Each district school board must cause a summary of
8 its tentative budget, including the proposed millage levies as
9 provided for by law, and graphs illustrating a historical
10 summary of financial and demographic data, to be advertised at
11 least one time as a full-page advertisement in the newspaper
12 with the largest circulation published in the district or to
13 be posted at the courthouse door if there be no such
14 newspaper.

15 (2)(a) The advertisement must include a graph
16 illustrating the historical summary of financial and
17 demographic data for each of the following data values which
18 shall be plotted along the vertical axis of each graph:

19 1. Total revenue provided to the school district from
20 all sources for the corresponding fiscal year, including all
21 federal, state, and local revenue.

22 2. Total revenue provided to the school district for
23 the corresponding fiscal year for current operations.

24 3. Total revenue provided to the school district for
25 the corresponding fiscal year for fixed capital outlay
26 projects.

27 4. Total revenue provided to the school district for
28 the corresponding fiscal year for debt service.

29 5. Total number of unweighted full-time equivalent
30 students, inclusive of all programs listed in s. 1011.62.

31 6. Total revenue provided to the school district for

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1 current operations divided by the number of unweighted
2 full-time equivalent students for the corresponding fiscal
3 year.

4 7. Total number of employees of the school district
5 for the corresponding fiscal year.

6 8. Total number of employees of the school district
7 classified as instructional personnel under s. 1012.01 for the
8 corresponding fiscal year.

9 (b) Each graph must include a separate histogram
10 corresponding to the financial and demographic data for each
11 of the following fiscal years, which shall be plotted along
12 the horizontal axis of each graph:

13 1. Current fiscal year.

14 2. Fiscal year that is 5 years before the current
15 fiscal year.

16 3. Fiscal year that is 10 years before the current
17 fiscal year.

18 (c) The numeric value of the financial and demographic
19 data corresponding to each histogram must be included in each
20 graph.

21 (3) The advertisement of a district that has been
22 required by the Legislature to increase classroom expenditures
23 pursuant to s. 1011.64 must include the following statement:

24
25 "This proposed budget reflects an increase in classroom
26 expenditures as a percent of total current operating
27 expenditures of XX percent over the (previous fiscal year)
28 fiscal year. This increase in classroom expenditures is
29 required by the Legislature because the district has performed
30 below the required performance standard on XX of XX student
31 performance standards for the (previous school year) school

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1 year. In order to achieve the legislatively required level of
2 classroom expenditures as a percentage of total operating
3 expenditures, the proposed budget includes an increase in
4 overall classroom expenditures of \$XX,XXX,XXX above the amount
5 spent for this same purpose during the (previous fiscal year)
6 fiscal year. In order to achieve improved student academic
7 performance, this proposed increase is being budgeted for the
8 following activities: (list activities and amount budgeted)."

9 (4) The advertisement shall appear adjacent to the
10 advertisement required pursuant to s. 200.065. The State Board
11 of Education may adopt rules necessary to provide specific
12 requirements for the format of the advertisement.

13 (5) The board shall hold public hearings to adopt
14 tentative and final budgets pursuant to s. 200.065. The
15 hearings shall be primarily for the purpose of hearing
16 requests and complaints from the public regarding the budgets
17 and the proposed tax levies and for explaining the budget and
18 proposed or adopted amendments thereto, if any. The district
19 school board shall then require the superintendent to transmit
20 forthwith two copies of the adopted budget to the Department
21 of Education for approval as prescribed by law and rules of
22 the State Board of Education.

23 Section 607. Section 1011.04, Florida Statutes, is
24 created to read:

25 1011.04 Levying of taxes.--

26 (1) Upon receipt of the certificate of the property
27 appraiser giving the assessed valuation of the county and of
28 each of the special tax school districts pursuant to s.
29 200.065, the district school board shall determine by
30 resolution the amounts necessary to be raised for current
31 operating purposes and for each district bond interest and

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1 sinking fund and the millage necessary to be levied for each
2 such fund, including the voted millage. A certified copy of
3 the resolution shall thereupon be filed with the county
4 property appraiser, and the district school board shall also
5 order the property appraiser to assess the several millages
6 certified by the school board against the appropriate taxable
7 property in the school district.

8 (2) The property appraiser shall then assess the taxes
9 as ordered by the district school board. Tax millages so
10 assessed shall be clearly designated and separately identified
11 as to source on the tax bill for other county taxes.

12 (3) The collector shall collect said taxes and pay
13 over the same promptly as collected to the district school
14 depository or depositories to be used as provided by law;
15 provided, that all taxes authorized herein shall be assessed
16 and collected on railroad, street railroad, sleeping car,
17 parlor car, and telegraph company property in the manner now
18 provided by law.

19 Section 608. Section 1011.05, Florida Statutes, is
20 created to read:

21 1011.05 Implementation of the official budget.--The
22 official budget shall give the appropriations and reserves
23 therein the force and effect of fixed appropriations and
24 reserves, and the same shall not be altered, amended, or
25 exceeded except as authorized. However, if the actual
26 receipts during any year are less than budgeted receipts, and
27 any obligations are thereby incurred which cannot be met
28 before the close of the year, such obligations shall be paid
29 and accounted for in the ensuing fiscal year in the manner
30 prescribed by rules of the State Board of Education and shall
31 be payable out of the first funds available for that purpose.

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1 Section 609. Section 1011.06, Florida Statutes, is
2 created to read:

3 1011.06 Expenditures.--

4 (1) Expenditures shall be limited to the amount
5 budgeted under the classification of accounts provided for
6 each fund and to the total amount of the budget after the same
7 have been amended as prescribed by law and rules of the State
8 Board of Education. The school board shall endeavor to obtain
9 maximum value for all expenditures.

10 (2) EXPENDITURES FROM DISTRICT AND OTHER

11 FUNDS.--Expenditures from district and all other funds
12 available for the public school program of any district shall
13 be authorized by law and must be in accordance with procedures
14 prescribed by the district school board. A district school
15 board may establish policies that allow expenditures to exceed
16 the amount budgeted by function and object, provided that the
17 district school board approves the expenditure and amends the
18 budget within timelines established by school board policies.

19 Section 610. Section 1011.07, Florida Statutes, is
20 created to read:

21 1011.07 Internal funds.--

22 (1) The district school board shall be responsible for
23 the administration and control of all local school funds
24 derived by any public school from all activities or sources,
25 and shall prescribe the principles and procedures to be
26 followed in administering these funds consistent with
27 regulations adopted by the State Board of Education.

28 (2) The State Board of Education shall adopt rules
29 governing the procedures for the recording of the receipts,
30 expenditures, deposits, and disbursements of internal funds.

31 Section 611. Section 1011.08, Florida Statutes, is

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1 created to read:

2 1011.08 Expenditures between July 1 and date budget
3 becomes official.--During the period from July 1 to the date
4 the tentative budget becomes official, district school boards
5 are authorized to approve ordinary expenditures, including
6 salary payments, which are necessary for the approved school
7 program.

8 Section 612. Section 1011.09, Florida Statutes, is
9 created to read:

10 1011.09 Expenditure of funds by district school
11 board.--All state funds apportioned to the credit of any
12 district constitute a part of the district school fund of that
13 district and must be budgeted and expended under authority of
14 the district school board subject to the provisions of law and
15 rules of the State Board of Education.

16 (1) A district school board shall credit interest or
17 profits on investments to the specific budgeted fund, as
18 defined by the accounting system required by s. 1010.01, that
19 produced the earnings unless otherwise authorized by law or
20 rules of the State Board of Education.

21 (2) A district school board may temporarily advance
22 moneys from one fund, as defined by the accounting system
23 required by s. 1010.01, to another fund when insufficient
24 moneys are available to meet current obligations if the
25 temporary advancement is repaid within 13 months, appropriate
26 accounting records are maintained, and the temporary
27 advancement does not restrict, impede, or limit implementation
28 or fulfillment of the original purposes for which the moneys
29 were received in the fund providing the advancement.

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

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1 performance outcomes may not be used for measuring compliance
2 with state or federal maintenance of effort, supplanting, or
3 comparability standards.

4 Section 613. Section 1011.10, Florida Statutes, is
5 created to read:

6 1011.10 Penalty.--

7 (1) Any member of a district school board or any
8 district school superintendent who violates the provisions of
9 this section commits malfeasance and misfeasance in office and
10 shall be subject to removal from office by the Governor, and
11 any contract or attempted contract entered into by any school
12 officer or subordinate school officer that is not within the
13 purview or in violation of the provisions of this section
14 shall be void, and no such contract or attempted contract
15 shall be enforceable in any court.

16 (2) Each member of any district school board voting to
17 incur an indebtedness against the district school funds in
18 excess of the expenditure allowed by law, or in excess of any
19 appropriation as adopted in the original official budget or
20 amendments thereto, or to approve or pay any illegal charge
21 against the funds, and any chair of a district school board or
22 district school superintendent who signs a warrant for payment
23 of any such claim or bill of indebtedness against any of the
24 funds shall be personally liable for the amount, and shall be
25 guilty of malfeasance in office and subject to removal by the
26 Governor. It shall be the duty of the Auditor General, other
27 state officials, or independent certified public accountants
28 charged by law with the responsibility for auditing school
29 accounts, upon discovering any such illegal expenditure or
30 expenditures in excess of the appropriations in the budget as
31 officially amended, to certify such fact to the Department of

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1 Banking and Finance, which thereupon shall verify such fact
2 and it shall be the duty of the Department of Banking and
3 Finance to advise the Department of Legal Affairs thereof, and
4 it shall be the duty of the Department of Legal Affairs to
5 cause to be instituted and prosecuted, either through its
6 office or through any state attorney, proceedings at law or in
7 equity against such member or members of a district school
8 board or district school superintendent. If either of the
9 officers does not institute proceedings within 90 days after
10 the audit has been certified to them by the Department of
11 Banking and Finance, any taxpayer may institute suit in his or
12 her own name on behalf of the district.

13 Section 614. Section 1011.11, Florida Statutes, is
14 created to read:

15 1011.11 Certain provisions to be directory.--No
16 irregularities of form or manner in the preparation or
17 adoption of any budget under the provisions of this chapter
18 shall invalidate either the budget adopted or the taxes levied
19 therefor. However, the budget and the taxes levied must
20 conform substantially to the principles and provisions of law
21 and rules of the State Board of Education.

22 Section 615. Section 1011.12, Florida Statutes, is
23 created to read:

24 1011.12 Purposes of and procedures in incurring school
25 indebtedness.--Indebtedness for school purposes may be
26 incurred only as follows:

27 (1) School districts may issue bonds creating a
28 long-term indebtedness as prescribed by law.

29 (2) Notes may be issued for money borrowed in
30 anticipation of the receipt of current school funds, included
31 in the budget from the state, county, or districts, as

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1 authorized under s. 1011.13.

2 (3) Indebtedness may be incurred for certain purposes
3 as authorized under s. 1011.14, s. 1011.15, or s. 1011.16.

4 (4) Bonds or revenue certificates issued on behalf of
5 the district by the State Board of Education as authorized by
6 s. 18, Art. XII of the State Constitution of 1885 as adopted
7 by s. 9(d), Art. XII, 1968 revised constitution, and the
8 additional provisions of s. 9(d), Art. XII of said revision.

9 Section 616. Section 1011.13, Florida Statutes, is
10 created to read:

11 1011.13 Current loans authorized under certain
12 conditions.--Except as provided in subsection (2), for any
13 fiscal year in which school funds are estimated to be
14 insufficient at any time during that fiscal year to pay
15 obligations created by the district school board in accordance
16 with the official budget of the district, or a budget approved
17 by the district school board which is prepared preliminarily
18 to the tentative budget required by this chapter, the school
19 board is authorized to negotiate a current loan to pay these
20 obligations, providing for the repayment of that loan from the
21 proceeds of revenues reasonably to be anticipated during the
22 fiscal year in which the loan is made as prescribed below.
23 However, the district school board shall, whenever possible,
24 so arrange its expenditures as to make the incurring of
25 current loans unnecessary. When it is deemed necessary for the
26 benefit of the schools of the district for a current loan to
27 be negotiated, the school board shall arrange for a loan in an
28 amount not violative of federal arbitrage regulations and for
29 the repayment of the loan, in accord with the other provisions
30 of this section.

31 (1) CURRENT LOANS AGAINST DISTRICT FUND, DISTRICT

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1 CAPITAL PROJECTS FUNDS, AND DISTRICT INTEREST AND SINKING

2 FUNDS.--

3 (a) District school boards are authorized and
4 empowered to borrow money, to be retired from the district tax
5 receipts anticipated in the operating budget, the district
6 capital projects budget, and the debt service budget, at a
7 rate of interest not to exceed the rate authorized under the
8 provisions of s. 215.84, for the purpose of paying all
9 outstanding obligations and for the further purpose of paying
10 any and all lawful expenses incurred in operating the schools
11 of the district. However, it is unlawful for any district
12 school board to borrow any sum of money in any one year in
13 excess of 80 percent of the amount as estimated by it in the
14 official budget for the current fiscal year for the district
15 to be available from the district tax. The sum so borrowed
16 shall be paid in full before the school board is authorized to
17 borrow money in any succeeding year.

18 (b) Nothing in paragraph (a) shall be construed to
19 invalidate any outstanding debt of any district as now
20 existing and now due, or to become due, or as requiring any
21 school board to pay the same in full before being permitted to
22 borrow 80 percent on the estimate for the next ensuing year.

23 (c) In the event that the county tax roll is subjected
24 to litigation and the tax collector is prevented from
25 collecting taxes on that roll, the following provisions shall
26 apply:

27 1. The restriction of 80 percent in paragraph (b)
28 shall not apply if the collection of taxes is delayed beyond
29 May 1.

30 2. District school boards are authorized and empowered
31 to borrow money, to be repaid from the district school fund

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1 for operating purposes, the district capital projects funds,
2 and the district interest and sinking funds, at a rate not to
3 exceed the rate authorized under the provisions of s. 215.84,
4 for the purposes of paying any and all lawful operating
5 expense, capital expense, and required debt service necessary
6 for the outstanding bond issues of such districts at the times
7 that the funds are needed to prevent the bonds or interest
8 payments from being in default. However, the amount of money
9 so borrowed shall be limited to the amount of the district
10 school fund and district interest and sinking fund tax
11 receipts included in the official school budget for that year
12 or the amount necessary to be borrowed to meet such
13 obligations, whichever amount is the lesser. Any funds
14 borrowed pursuant to the authority of this subsection shall,
15 insofar as possible, be repaid during the fiscal year in which
16 the loan was made. However, any such loan unpaid at the end
17 of the fiscal year shall be repaid from the first available
18 revenue in the next succeeding year.

19 (2) CURRENT LOANS PAYABLE FROM REVENUE PROCEEDS.--

20 (a) A district school board is also authorized to
21 negotiate a current loan before the end of the fiscal year,
22 the note or notes from which loan shall be issued no earlier
23 than 60 days before the beginning of the subsequent fiscal
24 year, to be repaid during the subsequent fiscal year from the
25 proceeds of revenue reasonably anticipated to be received
26 during that year. The proceeds of any loan obtained pursuant
27 to this subsection shall be limited, and the district school
28 board shall take any and all action necessary, to assure that
29 the Internal Revenue Code and the regulations promulgated
30 thereunder are not violated.

31 (b) Loans arranged pursuant to this subsection shall

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1 be negotiated in accordance with a budget approved by the
2 district school board which is prepared preliminarily to the
3 tentative budget required by this chapter. Such loans shall
4 be at a rate of interest not to exceed the rate of interest
5 authorized under the provisions of s. 215.84 and shall not be
6 in excess of amounts authorized under the Internal Revenue
7 Code for arbitrage.

8 (c) The proceeds of any loan obtained pursuant to this
9 subsection, or any interest earnings thereon, shall not be
10 used to pay any expenses incurred in the fiscal year in which
11 the loan is made; nor shall the proceeds of the loan or
12 interest earnings thereon be in any way encumbered to pay
13 expenses incurred in the fiscal year in which the loan is
14 made, but shall be held in escrow until the subsequent fiscal
15 year. Any outstanding loan issued pursuant to subsection (1)
16 must be defeased not less than 5 business days prior to the
17 issuance of any obligation pursuant to this subsection. All
18 proceeds of any loan obtained pursuant to this subsection, and
19 any interest earnings thereon, shall be placed at closing in
20 an irrevocable escrow account and held until the beginning of
21 the subsequent fiscal year. The district school board shall
22 maintain the integrity of such loan proceeds and related
23 interest in its accounting records so as to be able to
24 validate compliance with the provisions of this paragraph.

25 Section 617. Section 1011.14, Florida Statutes, is
26 created to read:

27 1011.14 Obligations for a period of 1 year.--District
28 school boards are authorized only under the following
29 conditions to create obligations by way of anticipation of
30 budgeted revenues accruing on a current basis without pledging
31 the credit of the district or requiring future levy of taxes

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1 for certain purposes for a period of 1 year; however, such
2 obligations may be extended from year to year with the consent
3 of the lender for a period not to exceed 4 years, or for a
4 total of 5 years including the initial year of the loan:

5 (1) PURPOSES.--The purposes for which such obligations
6 may be incurred within the intent of this section shall
7 include only the purchase of school buses, land, and equipment
8 for educational purposes; the erection of, alteration to, or
9 addition to educational facilities; and the adjustment of
10 insurance on educational property on a 5-year plan, as
11 provided by rules of the State Board of Education.

12 (2) OBLIGATIONS MAY NOT EXCEED ONE-FOURTH OF DISTRICT
13 AD VALOREM TAX REVENUE FOR OPERATIONS FOR THE PRECEDING
14 YEAR.--No obligation of the nature prescribed herein may be
15 incurred by any district school board when such proposed
16 obligations exceed one-fourth of the revenue received during
17 the preceding year for the district school fund for operating
18 expense of the district.

19 (3) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the
20 district school board proposes to incur obligations of the
21 nature authorized in this section, it shall adopt and spread
22 upon its minutes a resolution giving the nature of the
23 obligations to be incurred, stating the plan of payment, and
24 providing that such funds will be budgeted during the period
25 of the loan from the current revenue to retire the obligations
26 maturing during the year. This plan of payment shall not
27 extend over a period longer than 1 year.

28 (4) INTEREST-BEARING NOTES AUTHORIZED.--Each district
29 school board which has authorized the incurring of the
30 obligations as provided in this section shall issue
31 interest-bearing notes for the obligations. The notes shall

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1 provide the terms of payment and shall not bear interest in
2 excess of the rate authorized under the provisions of s.
3 215.84. No additional obligations of a similar nature may be
4 incurred against the funds of any school district when notes
5 authorized under this subsection are still outstanding and
6 unpaid when such proposed obligations together with the unpaid
7 notes outstanding exceed one-fourth of the revenue of the
8 preceding year, as defined in subsection (2).

9 Section 618. Section 1011.15, Florida Statutes, is
10 created to read:

11 1011.15 Obligations to eliminate major emergency
12 conditions.--The district school board of any district
13 experiencing a major emergency condition in an existing school
14 plant that demands immediate correction in order to prevent
15 further damage to the building or equipment or to eliminate a
16 safety hazard that constitutes an immediate danger to the
17 students and other occupants is authorized to create an
18 obligation for a period of 1 year by way of anticipation of
19 revenues for capital outlay purposes accruing on a current
20 basis without pledging the credit of the district. Such
21 obligation may be extended from year to year with the consent
22 of the lender for a period not to exceed 4 years, or for a
23 total of 5 years including the initial year of the loan.
24 Obligations occurring under this section may be repaid from
25 funds to be received from taxes authorized by s. 1011.71(2)
26 and from any other funds available to the district school
27 board for the purpose under the following conditions:

28 (1) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the
29 district school board proposes to incur obligations of the
30 nature authorized in this section, it shall adopt and spread
31 upon its minutes a resolution fully describing the emergency

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1 condition outlined above, giving the nature of the obligations
2 to be incurred, stating the plan of payment, and providing
3 that such funds will be budgeted during the period of the loan
4 from the current revenue to retire the obligations maturing
5 during the year. This plan of payment shall not extend over a
6 period longer than 1 year.

7 (2) INTEREST-BEARING NOTES AUTHORIZED.--Each district
8 school board which has authorized the incurring of the
9 obligations as provided in this section shall issue
10 interest-bearing notes for the obligations. The notes shall
11 provide the terms of payment and shall not bear interest in
12 excess of the rate authorized in s. 1010.59.

13 Section 619. Section 1011.16, Florida Statutes, is
14 created to read:

15 1011.16 Provisions for retirement of existing
16 indebtedness which is unfunded or in default.--In any district
17 in which there is any indebtedness outstanding against the
18 district school fund which has not yet been funded, or at any
19 time any such indebtedness is in default as to principal or
20 interest, the district school board shall proceed as follows:

21 (1) PLAN FOR RETIRING INDEBTEDNESS TO BE
22 PROPOSED.--The district school board shall prepare and propose
23 a plan for retiring any unfunded indebtedness or any such
24 indebtedness which is in default so that no creditor having a
25 valid claim will be given a preferred status. This plan shall
26 be so prepared as to show the funds needed for operating the
27 schools on the most economical basis practicable, the amount
28 of any other obligations which must be met each year, the
29 total funds available each year for the entire school program,
30 and the funds that can reasonably be spared for retirement of
31 indebtedness without needlessly handicapping the school

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1 program and which can be budgeted each year for the retirement
2 of such indebtedness.

3 (2) PROPOSAL TO BE SUBMITTED TO DEPARTMENT OF
4 EDUCATION.--The proposal for funding and retiring all such
5 indebtedness, when approved by the district school board,
6 shall be submitted to the Department of Education for
7 consideration. The district school board shall not attempt to
8 retire any such indebtedness until this procedure has been
9 followed and until it has had the benefit of the
10 recommendations of the department. Upon receiving the
11 proposal, the department shall determine the minimum funds
12 which are, in its opinion, necessary for the operation of the
13 school program in the district; shall determine what funds
14 remain for retirement of indebtedness each year; shall
15 determine whether the proposed plan is in accordance with
16 these facts, and, if it is not, shall propose modifications in
17 the plan in accordance with the facts. The recommendations of
18 the department shall then be submitted to the district school
19 board for consideration.

20 (3) WHEN PLAN TO BE EFFECTIVE.--The plan for retiring
21 indebtedness, herein prescribed, shall become effective when
22 the district school board and the Department of Education
23 jointly agree upon the amount of funds necessary for operating
24 the schools and the amount which can be budgeted each year for
25 retiring indebtedness. When this plan has been agreed upon, it
26 shall become the duty of the district school board to see that
27 the amount approved for retiring indebtedness is incorporated
28 in the budget each year, and the department shall see that
29 this amount has been incorporated before the budget is
30 approved, or, if such an amount can not reasonably be
31 incorporated in the budget, as shown by evidence submitted by

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1 the district school board, determine the respects in which the
2 plan should be modified, and to see that the budget includes
3 the amount for retiring indebtedness which can reasonably be
4 included.

5 (4) FUNDING OUTSTANDING INDEBTEDNESS.--

6 (a) Each district school board having an outstanding
7 indebtedness legally incurred and constituting an obligation
8 or obligations payable from the district school fund is
9 authorized to issue and sell interest-bearing coupon warrants
10 in a sum or sums not to exceed the total amount of such
11 indebtedness. Such coupon warrants shall bear interest at a
12 rate not to exceed the rates authorized under the provisions
13 of s. 215.84, shall be payable either annually or
14 semiannually, and shall be in such form and denomination as
15 the district school board issuing the same shall prescribe.
16 None of such warrants shall be issued to run for a longer
17 period of time than 10 years from the date of issue. Such
18 warrants shall be numbered consecutively, beginning with
19 number one, and each warrant shall have attached thereto
20 interest coupons, each coupon bearing the number of its
21 warrant and representing or calling for an annual or
22 semiannual, as the case may be, payment of interest on its
23 warrant.

24 (b) Each such warrant shall be signed by the chair and
25 attested by the secretary of the district school board issuing
26 the same, and shall have the seal of the district school board
27 affixed thereto, and the interest coupons attached thereto
28 shall be signed by, or bear the printed or lithographed
29 facsimile signature of the chair and secretary. Each warrant
30 and interest coupon shall be dated and shall bear the due
31 date. Such warrants and interest coupons shall be issued upon,

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1 and payable from, the fund designated on the face thereof. The
2 fund so designated shall be the district school fund. All
3 funds derived from the sale of interest-bearing coupon
4 warrants, as herein provided, shall be used for the purpose of
5 retiring the indebtedness for payment of which the warrants
6 were issued, and for no other purpose, and any funds remaining
7 from the sale of such warrants shall be applied to retiring
8 the interest-bearing coupon warrants from which such funds
9 were derived.

10 (5) FUNDING OR REFUNDING OTHER TYPES OF
11 INDEBTEDNESS.--Any proposed plan for refunding any type of
12 outstanding and legally incurred school indebtedness, not
13 covered by this section, shall be submitted to the Department
14 of Education for approval under rules of the State Board of
15 Education. No such indebtedness may be refunded and no plan
16 for refunding such indebtedness may be approved, unless the
17 plan provides for retiring the indebtedness in reasonably
18 equal annual installments over the period of years covered,
19 unless other obligations to be retired during any of these
20 years make adjustments necessary. No indebtedness of any type
21 may be refunded on a sinking fund basis. The district school
22 board shall provide that all refunding warrants, notes, or
23 bonds shall be callable, upon proper notice, beginning not
24 more than 10 years following the date of refunding. If any
25 indebtedness outstanding against the county or district
26 current school funds cannot be retired over a period of 10
27 years as prescribed in this section, or cannot be funded or
28 refunded by issuing interest-bearing coupon warrants, the
29 Department of Education is authorized to cooperate with the
30 school officials of the district in developing a practicable
31 plan for refunding such indebtedness and, when such a plan has

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1 been developed, may approve an agreement with the district
2 school officials for refunding such indebtedness to be retired
3 over a period of time which shall not exceed a maximum of 20
4 years; and, if necessary, for refunding the indebtedness by
5 issuing interest-bearing notes. Any funding or refunding
6 obligations issued, as prescribed herein, are not and shall
7 not be deemed to be additional bonds within the meaning of the
8 Constitution and laws of Florida, and it shall not be
9 necessary for such obligations to be submitted to, or approved
10 by, a vote of the people of the district. In preparing and
11 carrying out such a plan for funding or refunding the school
12 indebtedness, the district school board and the district
13 school superintendent shall follow the procedures prescribed
14 in this section, supplemented by rules of the State Board of
15 Education, except for the modifications which are herein
16 authorized.

17 Section 620. Section 1011.17, Florida Statutes, is
18 created to read:

19 1011.17 School funds to be paid to Treasurer or into
20 depository.--

21 (1) Every tax collector, or other person having moneys
22 which by law go to any district school fund shall at least
23 once each month pay the same over to the depository or
24 depositories designated by the district school board for such
25 purpose, and shall provide said board with confirmation of the
26 deposit. Every officer having moneys which by law go to any
27 state school fund, shall pay the same to the Treasurer of the
28 state, and the Treasurer shall see that these moneys are
29 deposited to the credit of the proper state school fund.

30 (2) The district school board shall have the authority
31 to designate that funds due it be placed for investment for

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1 its account with the State Board of Administration rather than
2 be deposited, and said board may direct those persons having
3 moneys due it or due any state school fund to pay out such
4 funds to the State Board of Administration to make authorized
5 investments for its account.

6 Section 621. Section 1011.18, Florida Statutes, is
7 created to read:

8 1011.18 School depositories; payments into and
9 withdrawals from depositories.--

10 (1) SCHOOL FUNDS TO BE PAID INTO DEPOSITORIES.--The
11 tax collector, the clerk of the circuit court, the
12 superintendent, and all other persons having, receiving, or
13 collecting any money payable to the school district shall
14 promptly pay the same to the bank or banks selected by the
15 district school board to receive funds for that purpose. No
16 bank shall be so selected unless it is qualified as an
17 approved depository as provided by law. Each bank receiving
18 any school money as provided herein shall make a receipt for
19 same.

20 (2) INVESTMENT OF FUNDS DUE.--The district school
21 board shall have the authority to designate that funds due it
22 be placed for investment for its account with the State Board
23 of Administration rather than be deposited, and the district
24 school board may direct those persons having moneys due it or
25 due any state school fund to pay out such funds to the State
26 Board of Administration to make authorized investments for its
27 account.

28 (3) FUNDS ON DEPOSIT WITH EACH DEPOSITORY; OVERDRAWING
29 ACCOUNTS PROHIBITED.--The district school board shall require
30 an accurate and complete set of accounts to be maintained in
31 the books and records for each fund on deposit in each

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1 district school depository. Each such account shall show the
2 amount subject to withdrawal, the amount deposited, the amount
3 expended, and the balance of the account. In compliance with
4 the provisions of this subsection, a district school board may
5 maintain a separate checking account for each such fund or may
6 utilize a single checking account for the deposit and
7 withdrawal of moneys from all funds and segregate the various
8 funds on the books and records only. No check or warrant shall
9 be drawn in excess of the balance to the credit of the
10 appropriate fund. The funds awaiting clearing may be invested
11 in an approved county depository in instruments earning
12 interest, such as repurchase agreements, savings accounts,
13 etc. If repurchase agreements are involved, United States
14 Treasury securities or GNMA's must be pledged as collateral
15 for an amount to exceed the principal, interest, and a
16 reasonable safety margin for protection against date-to-date
17 price fluctuation.

18 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.--All money
19 drawn from any district school depository holding same as
20 prescribed herein shall be upon a check or warrant drawn on
21 authority of the district school board as prescribed by law.
22 Each check or warrant shall be signed by the chair or, in his
23 or her absence, the vice chair of the district school board
24 and countersigned by the district school superintendent, with
25 corporate seal of the school board affixed. However, as a
26 matter of convenience, the corporate seal of the district
27 school board may be printed upon the warrant and a proper
28 record of such warrant shall be maintained. The district
29 school board may by resolution, a copy of which must be
30 delivered to the depository, provide for internal funds to be
31 withdrawn from any district depository by a check duly signed

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1 by at least two bonded school employees designated by the
2 board to be responsible for administering such funds. However,
3 the district school superintendent or his or her designee,
4 after having been by resolution specifically authorized by the
5 district school board, may transfer funds from one depository
6 to another, within a depository, to another institution, or
7 from another institution to a depository for investment
8 purposes and may transfer funds in a similar manner when the
9 transfer does not represent an expenditure, advance, or
10 reduction of cash assets. Such transfer may be made by
11 electronic, telephonic, or other medium; and each transfer
12 shall be confirmed in writing and signed by the district
13 school superintendent or his or her designee.

14 (5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.--The
15 district school board is authorized to establish the form or
16 forms of warrants, which are to be signed by the chair or, in
17 his or her absence, the vice chair of the district school
18 board and countersigned by the district school superintendent,
19 for payment or disbursement of moneys out of the school
20 depository and to change the form thereof from time to time as
21 the district school board deems appropriate. If authorized in
22 writing by the payee, such district school board warrants may
23 provide for the direct deposit of funds to the account of the
24 payee in any financial institution that is designated in
25 writing by the payee and that has lawful authority to accept
26 such deposits. The written authorization of the payee must be
27 filed with the district school board. Direct deposit of funds
28 may be by any electronic or other medium approved by the
29 district school board for such purpose. The State Board of
30 Education shall adopt rules prescribing minimum security
31 measures that must be implemented by any district school board

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1 before establishing the system authorized in this subsection.

2 (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND
3 THIRD-PARTY ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

4 (a) Each district school board is authorized to
5 contract with an approved service organization to provide
6 self-insurance services, including, but not limited to, the
7 evaluation, settlement, and payment of self-insurance claims
8 on behalf of the district school board. Pursuant to such
9 contract, the district school board may advance money to the
10 service organization to be deposited in a special checking
11 account for paying claims against the district school board
12 under its self-insurance program. The special checking
13 account shall be maintained in a designated district school
14 depository. The district school board may replenish such
15 account as often as necessary upon the presentation by the
16 service organization of documentation for claims paid equal to
17 the amount of the requested reimbursement. Such replenishment
18 shall be made by a warrant signed by the chair of the district
19 school board and countersigned by the district school
20 superintendent. Such replenishment may be made by electronic,
21 telephonic, or other medium, and each transfer shall be
22 confirmed in writing and signed by the superintendent or his
23 or her designee.

24 (b) The district school board may contract with an
25 insurance company or professional administrator who holds a
26 valid certificate of authority issued by the Department of
27 Insurance to provide any or all services that a third-party
28 administrator is authorized by law to perform. Pursuant to
29 such contract, the district school board may advance or remit
30 money to the administrator to be deposited in a designated
31 special checking account for paying claims against the

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1 district school board under its self-insurance programs, and
2 remitting premiums to the providers of insured benefits on
3 behalf of the district school board and the participants in
4 such programs, and otherwise fulfilling the obligations
5 imposed upon the administrator by law and the contractual
6 agreements between the district school board and the
7 administrator. The special checking account shall be
8 maintained in a designated district school depository. The
9 district school board may replenish such account as often as
10 necessary upon the presentation by the service organization of
11 documentation for claims or premiums due paid equal to the
12 amount of the requested reimbursement. Such replenishment
13 shall be made by a warrant signed by the chair of the district
14 school board and countersigned by the district school
15 superintendent. Such replenishment may be made by electronic,
16 telephonic, or other medium, and each transfer shall be
17 confirmed in writing and signed by the district school
18 superintendent or his or her designee. The provisions of
19 strict accountability of all funds and an annual audit by an
20 independent certified public accountant as provided in s.
21 1001.42(10)(k) shall apply to this subsection.

22 Section 622. Section 1011.19, Florida Statutes, is
23 created to read:

24 1011.19 Sources of district school fund.--The district
25 school fund shall consist of funds derived from the district
26 school tax levy; state appropriations; appropriations by
27 county commissioners; local, state, and federal school food
28 service funds; any and all other sources for school purposes;
29 national forest trust funds and other federal sources; and
30 gifts and other sources.

31 Section 623. Section 1011.20, Florida Statutes, is

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1 created to read:

2 1011.20 Apportionment and use of district school
3 fund.--The district school fund shall be apportioned, expended
4 and disbursed in the district solely for the support of the
5 public schools of the district as prescribed by law; provided,
6 however, that the district school fund shall also be used to
7 pay the principal and interest on bonds legally issued and
8 payable from said fund, together with other proper items of
9 debt service against such fund, including any necessary
10 refunding expense as prescribed by rules of the State Board of
11 Education. The district school board shall, before the
12 maturity of such bonds or other indebtedness and before
13 interest due dates, deposit with the paying agent or make
14 available, as designated in the resolution authorizing the
15 issuance of the bonds or other legal evidences of
16 indebtedness, sufficient funds with which to pay all principal
17 and interest when due; provided, that when such funds have
18 been so deposited with the paying agent or made available, all
19 interest on the indebtedness represented by the maturing
20 bonds, coupons or other evidences of indebtedness shall cease
21 as of their maturity dates; and provided, further, that if any
22 such bonds, coupons or other evidences of indebtedness are not
23 presented for payment within 6 months after the date on which
24 they mature, the funds shall be returned to the district
25 school board and shall be placed by said board in the district
26 school fund and the district school board shall pay said
27 bonds, coupons or other evidences of indebtedness from said
28 fund when presented for payment. Any holder of bonds, coupons
29 or other indebtedness claiming interest after maturity on
30 account of the fact that funds were not deposited with the
31 paying agent or made available to pay such bonds, coupons or

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1 other indebtedness at maturity, shall be required to produce
2 evidence in the form of a letter from the paying agent or the
3 district school board, respectively, acknowledging that the
4 bonds, coupons and other evidences of indebtedness upon which
5 interest is claimed were presented for payment, that no funds
6 were available for the payment thereof, that such bonds,
7 coupons and other evidences of indebtedness were presented for
8 payment at least annually thereafter and that no funds were
9 available to pay such indebtedness. The paying agent or the
10 district school board, whichever has the duty of holding the
11 funds, shall, upon request of the holder of defaulted bonds,
12 coupons or other evidences of indebtedness, furnish to such
13 holder the letter required herein. When such evidence is
14 presented the district school fund shall be liable for the
15 payment of principal and interest on the bonds, coupons or
16 other evidences of indebtedness from maturity until paid at
17 the rate prescribed on the face thereof. If at any time any
18 bonds, coupons or other evidences of indebtedness are reduced
19 to judgment, the district school fund shall be responsible for
20 past due interest only at the rate prescribed by the bonds or
21 other evidences of indebtedness and any rate of interest in
22 excess of that amount shall be illegal and invalid. Such
23 judgments shall bear interest at the rate of 5 percent per
24 annum until paid. When any proposal for refunding the
25 indebtedness against said district school fund has been
26 prepared and approved by the State Board of Education, as
27 required by law, and when the holders of at least 80 percent
28 of the outstanding indebtedness against said fund have agreed
29 in writing to the refunding plan, the district school board
30 shall be authorized to pay, out of the district school fund,
31 from and after that date, on the original and refunding bonds

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1 or other evidences of indebtedness only the rate of interest
2 which has been agreed upon for the refunding bonds or other
3 evidences of indebtedness and no owner or holder of a bond,
4 coupon or other evidence of indebtedness shall be entitled to
5 a higher rate of interest after that date; provided, that such
6 owner or holder shall be given the option by the district
7 school board of receiving payment in cash for all principal
8 and interest due on the bonds and coupons or other evidence of
9 indebtedness he or she holds at the same rate at which the
10 remaining indebtedness has been refunded.

11 Section 624. Section 1011.21, Florida Statutes, is
12 created to read:

13 1011.21 Source and use of district interest and
14 sinking fund.--The district interest and sinking fund of any
15 school district shall comprise the proceeds of the tax levied
16 for the purpose of paying the principal and interest of bonds
17 outstanding against the district as provided in this chapter
18 and in addition such funds as may accrue to the credit of the
19 district interest and sinking fund from interest on deposits,
20 investments or other sources. The district interest and
21 sinking fund in each district shall be used to pay the
22 principal and interest on bonds legally issued against the
23 district and other proper items of debt service against such
24 district, including any necessary refunding expense as
25 prescribed by rules of the State Board of Education. The
26 district school board shall, before the maturity of bonds and
27 before interest due dates, deposit with the paying agent or
28 make available, as designated in the resolution authorizing
29 the issuance of bonds, sufficient money of the district
30 interest and sinking fund with which to pay all principal and
31 interest when due; provided, that when such money has been so

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1 deposited with the paying agent or made available, all
2 interest on the indebtedness represented by the maturing bonds
3 or coupons shall cease as of their maturity dates; and
4 provided, further, that if any such bonds or coupons are not
5 presented for payment within 6 months after the date on which
6 they mature, the money shall be returned to the district
7 school board and shall be held by the board as a reserve fund
8 in the account of the district interest and sinking fund until
9 the bonds and coupons are presented for payment. Any holder
10 of bonds or coupons claiming interest after maturity shall be
11 required to produce evidence in the form of a letter from the
12 paying agent or the district school board of the district,
13 respectively, acknowledging that the bonds or coupons upon
14 which interest is claimed were presented for payment upon
15 maturity, that no funds were available for the payment
16 thereof, that such bonds or coupons were presented for payment
17 at least annually thereafter and that no funds were available
18 to pay such bonds or coupons. The paying agent or the
19 district school board, whichever has the duty of holding the
20 money shall, upon request of the holder of defaulted bonds or
21 coupons, furnish to such holder the letter required herein.
22 When such evidence is presented, the district interest and
23 sinking fund shall be liable for the payment of principal and
24 interest on the bonds and coupons from maturity until paid at
25 the rate prescribed on the face of the bonds. If at any time
26 any bonds or coupons are reduced to judgment, the district
27 interest and sinking fund shall be responsible for past due
28 interest only at the rate prescribed by the bonds and any rate
29 of interest in excess of that amount shall be illegal and
30 invalid. Such judgments shall bear interest at the rate of 5
31 percent per annum until paid. When any proposal for refunding

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1 the indebtedness against any district has been prepared and
2 approved by the Department of Education, as required by law,
3 and when the holders of at least 80 percent of the outstanding
4 indebtedness represented by the bond issue have agreed in
5 writing to the refunding plan, the district school board shall
6 be authorized to pay, from and after that date on the original
7 and refunding bonds from the district interest and sinking
8 fund, only the rate of interest which has been agreed upon for
9 the refunding bonds and no owner or holder of a bond or coupon
10 shall be entitled to a higher rate of interest after that
11 date; provided, that such owner or holder shall be given the
12 option by the school board of receiving payment in cash for
13 all principal and interest due on the bonds and coupons he or
14 she holds at the same rate at which the remaining bonds and
15 coupons have been refunded.

16 Section 625. Section 1011.22, Florida Statutes, is
17 created to read:

18 1011.22 Interest and sinking funds may be invested in
19 certain bonds, warrants, and notes.--Each district school
20 board shall have the power at all times to invest the interest
21 and sinking funds collected for the retirement of any bonds of
22 the school district in any investment as authorized in s.
23 1010.53(2). The district school board shall have authority at
24 any time to use the interest and sinking fund of any district
25 for purchasing, for the purpose of canceling and retiring,
26 bonds outstanding against the interest and sinking fund of
27 said district at any price which will result in a net saving
28 to the taxpayers of the district; provided, always, that the
29 district school board shall have the right to keep the
30 interest and sinking fund on deposit earning the rate of
31 interest agreed upon until such time as within its judgment it

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1 may be able to invest it in bonds, warrants, or notes to
2 better advantage as provided herein.

3 Section 626. Section 1011.23, Florida Statutes, is
4 created to read:

5 1011.23 Disposition of balance in interest and sinking
6 fund.--If all principal and interest outstanding against any
7 school district shall have been paid, and there shall still
8 remain a balance in the interest and sinking fund to the
9 credit of that district, the district school board shall, by
10 resolution, authorize this balance to be transferred to the
11 credit of the district school fund.

12 Section 627. Section 1011.24, Florida Statutes, is
13 created to read:

14 1011.24 Special district units.--For the purposes of
15 funding through chapters 1011 and 1013, developmental research
16 schools shall be designated as special school districts. Such
17 districts shall be accountable to the Department of Education
18 for budget requests and reports on expenditures.

19 Section 628. Part I.b. of chapter 1011, Florida
20 Statutes, shall be entitled "Community Colleges: Preparation,
21 Adoption, and Implementation of Budgets" and shall consist of
22 ss. 1011.30-1011.32.

23 Section 629. Section 1011.30, Florida Statutes, is
24 created to read:

25 1011.30 Budgets for community colleges.--Each
26 community college president shall recommend to the community
27 college board of trustees a budget of income and expenditures
28 at such time and in such form as the State Board of Education
29 may prescribe. Upon approval of a budget by the community
30 college board of trustees, such budget shall be transmitted to
31 the Department of Education for review and approval. Rules of

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1 the State Board of Education shall prescribe procedures for
2 effecting budget amendments subsequent to the final approval
3 of a budget for a given year.

4 Section 630. Section 1011.31, Florida Statutes, is
5 created to read:

6 1011.31 Current loans to community college boards of
7 trustees.--

8 (1) At any time the current funds on hand are
9 insufficient to pay obligations created by a community college
10 board of trustees in accordance with the approved budget of
11 the community college, the community college board of trustees
12 may request approval by the Commissioner of Education of a
13 proposal to negotiate a current loan, with provisions for the
14 repayment of such loan during the fiscal year in which the
15 loan is made, in order to meet these obligations.

16 (2) The Commissioner of Education shall approve such
17 proposal when, in his opinion, the proposal is reasonable and
18 just, the expenditure is necessary, and revenues sufficient to
19 meet the requirements of the loan can reasonably be
20 anticipated.

21 Section 631. Section 1011.32, Florida Statutes, is
22 created to read:

23 1011.32 Community College Facility Enhancement
24 Challenge Grant Program.--

25 (1) The Legislature recognizes that the community
26 colleges do not have sufficient physical facilities to meet
27 the current demands of their instructional and community
28 programs. It further recognizes that, to strengthen and
29 enhance community colleges, it is necessary to provide
30 facilities in addition to those currently available from
31 existing revenue sources. It further recognizes that there are

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1 sources of private support that, if matched with state
2 support, can assist in constructing much needed facilities and
3 strengthen the commitment of citizens and organizations in
4 promoting excellence at each community college. Therefore, it
5 is the intent of the Legislature to establish a program to
6 provide the opportunity for each community college through its
7 direct-support organization to receive and match challenge
8 grants for instructional and community-related capital
9 facilities within the community college.

10 (2) There is established the Community College
11 Facility Enhancement Challenge Grant Program for the purpose
12 of assisting the community colleges in building high priority
13 instructional and community-related capital facilities
14 consistent with s. 1004.65, including common areas connecting
15 such facilities. The direct-support organizations that serve
16 the community colleges shall solicit gifts from private
17 sources to provide matching funds for capital facilities. For
18 the purposes of this section, private sources of funds shall
19 not include any federal or state government funds that a
20 community college may receive.

21 (3) The Community College Capital Facilities Matching
22 Program shall provide funds to match private contributions for
23 the development of high priority instructional and
24 community-related capital facilities, including common areas
25 connecting such facilities, within the community colleges.

26 (4) Within the direct-support organization of each
27 community college there must be established a separate capital
28 facilities matching account for the purpose of providing
29 matching funds from the direct-support organization's
30 unrestricted donations or other private contributions for the
31 development of high priority instructional and

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1 community-related capital facilities, including common areas
2 connecting such facilities. The Legislature shall appropriate
3 funds for distribution to a community college after matching
4 funds are certified by the direct-support organization and
5 community college. The Public Education Capital Outlay and
6 Debt Service Trust Fund shall not be used as the source of the
7 state match for private contributions.

8 (5) A project may not be initiated unless all private
9 funds for planning, construction, and equipping the facility
10 have been received and deposited in the direct-support
11 organization's matching account and the state's share for the
12 minimum amount of funds needed to begin the project has been
13 appropriated by the Legislature. The Legislature may
14 appropriate the state's matching funds in one or more fiscal
15 years for the planning, construction, and equipping of an
16 eligible facility. However, these requirements shall not
17 preclude the community college or direct-support organization
18 from expending available funds from private sources to develop
19 a prospectus, including preliminary architectural schematics
20 and/or models, for use in its efforts to raise private funds
21 for a facility. Additionally, any private sources of funds
22 expended for this purpose are eligible for state matching
23 funds should the project materialize as provided for in this
24 section.

25 (6) To be eligible to participate in the Community
26 College Facility Enhancement Challenge Grant Program, a
27 community college, through its direct-support organization,
28 shall raise a contribution equal to one-half of the total cost
29 of a facilities construction project from private sources
30 which shall be matched by a state appropriation equal to the
31 amount raised for a facilities construction project, subject

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1 to the General Appropriations Act.

2 (7) If the state's share of the required match is
3 insufficient to meet the requirements of subsection (6), the
4 community college shall renegotiate the terms of the
5 contribution with the donors. If the project is terminated,
6 each private donation, plus accrued interest, reverts to the
7 direct-support organization for remittance to the donor.

8 (8) By September 1 of each year, the State Board of
9 Education shall transmit to the Legislature a list of projects
10 which meet all eligibility requirements to participate in the
11 Community College Facility Enhancement Challenge Grant Program
12 and a budget request which includes the recommended schedule
13 necessary to complete each project.

14 (9) In order for a project to be eligible under this
15 program, it must be survey recommended under the provisions of
16 s. 1013.31 and included in the community colleges 5-year
17 capital improvement plan, and it must receive prior approval
18 from the State Board of Education.

19 (10) A community college project may not be removed
20 from the approved 3-year PECO priority list because of its
21 successful participation in this program until approved by the
22 Legislature and provided for in the General Appropriations
23 Act. When such a project is completed and removed from the
24 list, all other projects shall move up on the 3-year PECO
25 priority list.

26 (11) Any project funds that are unexpended after a
27 project is completed shall revert to the community college's
28 direct-support organization capital facilities matching
29 account. Fifty percent of such unexpended funds shall be
30 reserved for the community college which originally received
31 the private contribution for the purpose of providing private

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1 matching funds for future facility construction projects as
2 provided in this section. The balance of such unexpended funds
3 shall be returned to the General Revenue Fund.

4 (12) The surveys, architectural plans, facility, and
5 equipment shall be the property of the participating community
6 college. A facility constructed under this section may be
7 named in honor of a donor at the option of the community
8 college district board of trustees. A facility may not be
9 named after a living person without prior approval by the
10 State Board of Education.

11 Section 632. Part I.c. of chapter 1011, Florida
12 Statutes, shall be entitled "Universities: Preparation,
13 Adoption, and Implementation of Budgets" and shall consist of
14 ss. 1011.40-1011.52.

15 Section 633. Section 1011.40, Florida Statutes, is
16 created to read:

17 1011.40 Budgets for universities.--

18 (1) LEGISLATIVE BUDGET REQUEST.--The State Board of
19 Education shall provide instructions, guidelines, and standard
20 formats to be used by each university that will provide to the
21 State Board of Education and the Legislature adequate
22 information to support and justify the legislative budget
23 requests submitted pursuant to ss. 216.023, 1013.60, and
24 1011.90 for each university.

25 (2) OPERATING BUDGET.--Each university board of
26 trustees shall adopt an operating budget for the operation of
27 the university as prescribed by law and rules of the State
28 Board of Education. Each university president shall prepare
29 and implement the operating budget of the university as
30 prescribed by law, rules of the State Board of Education,
31 policies of the university board of trustees, and provisions

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1 of the General Appropriations Act. The proposed expenditures,
2 plus transfers, and balances shall not exceed the estimated
3 income, transfers, and balances. The budget and each part
4 thereof shall balance. If at any time the unencumbered balance
5 in the education and general fund of the university board of
6 trustees approved operating budget goes below five percent,
7 the president shall provide written notification to the State
8 Board of Education.

9 (3) EXPENDITURES.--Expenditures from any source of
10 funds by any university shall not exceed the funds available.
11 Expenditures shall not exceed the amount budgeted under each
12 classification of accounts for each fund and the total amount
13 of the budget, as amended as prescribed by rules of the State
14 Board of Education. No expenditure of funds, contract, or
15 agreement of any nature shall be made that requires additional
16 appropriation of funds by the Legislature unless specifically
17 authorized in advance by law or the General Appropriations
18 Act.

19 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated
20 in the General Appropriations Act for the operation of state
21 universities shall be distributed by the State Board of
22 Education to the universities twice monthly. The Executive
23 Office of the Governor may modify this schedule if required to
24 meet specific needs of a university.

25 Section 634. Section 1011.41, Florida Statutes, is
26 created to read:

27 1011.41 University appropriations.--Funds for the
28 general operations of universities shall be requested and
29 appropriated as Aid to Local Governments Grants and Aids,
30 subject to provisions of the General Appropriations Act.

31 Section 635. Section 1011.4105, Florida Statutes, is

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1 created to read:

2 1011.4105 Transition from state accounting system
3 (FLAIR) to university accounting system.--

4 (1) Universities and colleges under the supervision of
5 the State Board of Education shall use the state accounting
6 system (FLAIR) for fiscal year 2002-2003. The universities
7 shall not be required to provide funds to the Department of
8 Banking and Finance for the utilization of FLAIR.

9 (2) Beginning with the 2003-2004 fiscal year any
10 university may transition from FLAIR to the university's
11 accounting system.

12 (3) To accomplish the transition from FLAIR to a
13 university's accounting system the university board of
14 trustees must submit to the State Board of Education a plan
15 developed in cooperation with the State Comptroller (Chief
16 Financial Officer.) The plan must contain the actions the
17 university will take, or has taken, to implement this
18 transition. The plan must provide time lines for completion of
19 actions and the target date the university will have
20 implemented and tested parallel systems with appropriate audit
21 and internal controls in place that will enable the university
22 to satisfactorily and timely perform all accounting and
23 reporting functions required by State and Federal law and
24 rules of the State Board of Education.

25 (4) When a university is ready to transition from
26 FLAIR to its own system, the State Board of Education shall
27 verify that the system the university has implemented and
28 tested is adequate for the university, the university has
29 appropriate audit and internal controls in place, the
30 university has the resources required to operate and maintain
31 the system, and that the university and the State Comptroller

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1 (Chief Financial Officer) are prepared to implement the
2 transition. The State Board of Education shall submit to the
3 Executive Office of the Governor and the Chairs of the
4 Appropriations Committees of the Senate and House of
5 Representatives confirmation of this verification and the date
6 the transition will be effective. Transition for any
7 university shall not take place until after the State Board of
8 Education has submitted this confirmation.

9 (5) The State Board of Education in cooperation with
10 each university and the Department of Banking and Finance
11 shall develop a plan and establish the deadline for all
12 universities to have completed the transition from FLAIR. The
13 Board shall submit a copy of this plan to the Executive Office
14 of the Governor and the Chairs of the Appropriations
15 Committees of the Senate and House of Representatives.

16 Section 636. Section 1011.4106, Florida Statutes, is
17 created to read:

18 1011.4106 Trust fund dissolution.--Notwithstanding the
19 provisions of ss. 215.3206(2) and 215.3208(2), and pursuant to
20 s. 216.351, all unexpended balances as of June 30, 2002 in the
21 following state university system trust funds are hereby
22 appropriated to the appropriate accounts of each university
23 based upon the original source of the trust fund revenue and
24 any accrued interest: the Education/General Student and Other
25 Fees Trust Fund, the Experiment Station Federal Grant Trust
26 Fund, the Experiment Station Incidental Trust Fund, the
27 Extension Service Federal Grant Trust Fund, the Extension
28 Service Incidental Trust Fund, the Incidental Trust Fund, the
29 UF Health Center Operations and Maintenance Trust Fund, the
30 Operations and Maintenance Trust Fund, and all other trust
31 funds in the State Treasury for universities. Expenditure of

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1 these funds by each university must be based on the laws,
2 rules, grant agreements, or other legal controlling factors
3 associated with all trust fund balances which are appropriated
4 to local accounts pursuant to this section, and included in
5 each university board of trustees' approved operating budget.
6 Each university shall be responsible for the payment of
7 outstanding debts or obligations associated with these funds.

8 Section 637. Section 1011.411, Florida Statutes, is
9 created to read:

10 1011.411 Budgets for sponsored research at
11 universities.--Funds for sponsored research at each university
12 shall be budgeted and expended pursuant to ss. 1010.30 and
13 1011.42.

14 Section 638. Section 1011.42, Florida Statutes, is
15 created to read:

16 1011.42 University depositories; deposits into and
17 withdrawals from depositories.--

18 (1) The board of trustees of each university shall
19 designate the depositories in which any university funds may
20 be deposited. No bank shall be designated unless it is a
21 qualified depository as provided by Florida Statutes.

22 (2) All funds received by a university, from whatever
23 source and for whatever purpose, shall promptly be deposited
24 in a board of trustees approved qualified depository.

25 (3) The board of trustees shall require an accurate
26 and complete set of accounts to be maintained in the books and
27 records for each fund on deposit in each university
28 depository. Each account shall show the amount subject to
29 withdrawal, the amount deposited, the amount expended, and the
30 balance of the account.

31 (4) The university may maintain a separate checking

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1 account for each fund or may utilize a single checking account
2 for the deposit and withdrawal of moneys from all funds and
3 segregate the various funds on the books and records only. No
4 check or withdrawal shall be drawn in excess of the balance to
5 the credit of the appropriate fund.

6 (5) Funds awaiting clearing may be invested in
7 investments earning interest in a qualified depository, in the
8 State Treasury, and in the State Board of Administration.
9 Investments of university funds shall comply with the
10 requirements of Florida Statutes for the investment of public
11 funds by local government. Due diligence shall be exercised to
12 assure that the highest available amount of earnings is
13 obtained on investments.

14 (6) The university president or his designee, after
15 having been specifically authorized by the university board of
16 trustees, may transfer funds from one depository to another,
17 within a depository, to another institution, or from another
18 institution to a depository for investment purposes and may
19 transfer funds in a similar manner when the transfer does not
20 represent an expenditure, advance, or reduction of cash
21 assets.

22 (7) The university board of trustees shall
23 specifically designate and spread upon the minutes of the
24 board the legal name and position title of any university
25 employee authorized to sign checks to pay legal obligations of
26 the university.

27 Section 639. Section 1011.43, Florida Statutes, is
28 created to read:

29 1011.43 Investment of university agency and activity
30 funds; earnings used for scholarships.--Each university is
31 authorized to invest available agency and activity funds and

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1 to use the earnings from such investments for student
2 scholarships and loans. The university board of trustees shall
3 provide procedures for the administration of these
4 scholarships and loans by rules.

5 Section 640. Section 1011.45, Florida Statutes, is
6 created to read:

7 1011.45 End of year balance of funds.--Unexpended
8 amounts in any fund in a university current year operating
9 budget shall be carried forward and included as the balance
10 forward for that fund in the approved operating budget for the
11 following year.

12 Section 641. Section 1011.47, Florida Statutes, is
13 created to read:

14 1011.47 Auxiliary enterprises; contracts, grants, and
15 donations.--As used in s. 19(f)(3), Art. III of the State
16 Constitution, the term:

17 (1) "Auxiliary enterprises" includes activities that
18 directly or indirectly provide a product or a service, or
19 both, to a university or its students, faculty, or staff and
20 for which a charge is made. These auxiliary enterprises are
21 business activities of a university which require no support
22 from the General Revenue Fund, and include activities such as
23 housing, bookstores, student health services, continuing
24 education programs, food services, college stores, operation
25 of vending machines, specialty shops, day care centers, golf
26 courses, student activities programs, data center operations,
27 and intercollegiate athletics programs.

28 (2) "Contracts, grants, and donations" includes
29 noneducational and general funding sources in support of
30 research, public services, and training. The term includes
31 grants and donations, sponsored-research contracts, and

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1 Department of Education funding for developmental research
2 schools and other activities for which the funds are deposited
3 outside the State Treasury.

4 Section 642. Section 1011.48, Florida Statutes, is
5 created to read:

6 1011.48 Establishment of educational research centers
7 for child development.--

8 (1) Upon approval of the university president, the
9 student government association of any state university may
10 establish an educational research center for child development
11 in accordance with the provisions of this section. Each such
12 center shall be a child day care center established to provide
13 care for the children of students, both graduate and
14 undergraduate, faculty, and other staff and employees of the
15 university and to provide an opportunity for interested
16 schools or departments of the university to conduct
17 educational research programs and establish internship
18 programs within such centers. Whenever possible, such center
19 shall be located on the campus of the university. There shall
20 be a director of each center, selected by the board of
21 directors of the center.

22 (2) There shall be a board of directors for each
23 educational research center for child development, consisting
24 of the president of the university or his or her designee, the
25 student government president or his or her designee, the chair
26 of each department participating in the center or his or her
27 designee, and one parent for each 50 children enrolled in the
28 center, elected by the parents of children enrolled in the
29 center. The director of the center shall be an ex officio,
30 nonvoting member of the board. The board shall establish local
31 policies and perform local oversight and operational guidance

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1 for the center.

2 (3) Each center is authorized to charge fees for the
3 care and services it provides. Such fees must be approved by
4 the State Board of Education and may be imposed on a sliding
5 scale based on ability to pay or any other factors deemed
6 relevant by the board.

7 (4) The State Board of Education is authorized and
8 directed to promulgate rules for the establishment, operation,
9 and supervision of educational research centers for child
10 development. Such rules shall include, but need not be limited
11 to: a defined method of establishment of and participation in
12 the operation of centers by the appropriate student government
13 associations; guidelines for the establishment of an intern
14 program in each center; and guidelines for the receipt and
15 monitoring of funds from grants and other sources of funds
16 consistent with existing laws.

17 (5) Each educational research center for child
18 development shall be funded by a portion of the Capital
19 Improvement Trust Fund fee established by the State Board of
20 Education pursuant to s. 1009.24(7). Each university that
21 establishes a center shall receive a portion of such fees
22 collected from the students enrolled at that university,
23 usable only at that university, equal to 22.5 cents per
24 student per credit hour taken per term, based on the summer
25 term and fall and spring semesters. This allocation shall be
26 used by the university only for the establishment and
27 operation of a center as provided by this section and rules
28 promulgated hereunder. Said allocation may be made only after
29 all bond obligations required to be paid from such fees have
30 been met.

31 Section 643. Section 1011.49, Florida Statutes, is

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1 created to read:

2 1011.49 Assent to Smith-Lever Act; university board of
3 trustees authorized to receive grants.--The Legislature, in
4 behalf of and for the state, assents to, and gives its assent
5 to, the provisions and requirements of the Act of Congress
6 commonly known as the "Smith-Lever Act," and all acts
7 supplemental thereto, and the University of Florida Board of
8 Trustees, having supervision over and control of the
9 University of Florida, located at Gainesville, may receive the
10 grants of money appropriated under said Act of Congress and
11 organize and conduct agricultural and home economics extension
12 work, which shall be carried on in connection with the
13 University of Florida Institute of Food and Agricultural
14 Sciences, in accordance with the terms and conditions
15 expressed in said Act of Congress.

16 Section 644. Section 1011.50, Florida Statutes, is
17 created to read:

18 1011.50 Agricultural experiment stations; assent to
19 Act of Congress; federal appropriation.--The objects and
20 purposes contained in the Act of Congress entitled "An Act to
21 provide for an increased annual appropriation for agricultural
22 experiment stations and regulating the expenditure thereof"
23 are assented to; and the Board of Trustees of the University
24 of Florida is authorized to accept and receive the annual
25 appropriations for the use and benefit of the agricultural
26 experiment station fund of the Institute of Food and
27 Agricultural Sciences of the University of Florida, located at
28 Gainesville, upon the terms and conditions contained in said
29 Act of Congress.

30 Section 645. Section 1011.501, Florida Statutes, is
31 created to read:

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1 1011.501 Assent to ss. 1444 and 1445 of the Food and
2 Agriculture Act of 1977; board of trustees authorized to
3 receive grants, etc.--The assent of Legislature is given to
4 the provisions and requirements of ss. 1444 and 1445 of the
5 Act of Congress commonly known as the "Food and Agriculture
6 Act of 1977" and all acts supplemental thereto. The Board of
7 Trustees of the Florida Agricultural and Mechanical University
8 may receive grants of money appropriated under said sections
9 of said act and may organize and conduct agricultural
10 extension work and conduct agricultural research, which shall
11 be carried on in connection with the College of Engineering
12 Sciences, Technology and Agriculture of said Florida
13 Agricultural and Mechanical University, in accordance with the
14 terms and conditions expressed in the Act of Congress
15 aforesaid.

16 Section 646. Section 1011.51, Florida Statutes, is
17 created to read:

18 1011.51 Independent postsecondary endowment grants.--
19 (1) The Legislature finds and declares that accredited
20 baccalaureate-degree-granting independent nonprofit colleges
21 and universities are an integral part of the higher education
22 system in this state; that significant numbers of persons
23 choose to utilize these institutions for obtaining higher
24 education; that the burdens on public colleges and
25 universities are lessened because of the students that choose
26 to utilize these institutions for their higher education; that
27 having a strong system of baccalaureate-degree-granting
28 independent nonprofit colleges and universities will improve
29 the educational, economic, and social well-being of the state;
30 and that creation of a state program to provide matching
31 endowment grants will improve the academic excellence of these

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1 institutions and enhance educational opportunities for Florida
2 citizens, furthering the improvement of the overall
3 educational system in the state.

4 (2) There is established the Florida Postsecondary
5 Endowment Grants Program to be administered by the Department
6 of Education. The program shall provide matching endowment
7 grants to independent nonprofit colleges and universities in
8 Florida that meet the requirements of this section. The
9 Legislature shall designate funds for the program to be
10 transferred to the Grants and Donations Trust Fund from
11 available sources. All funds transferred to the trust fund,
12 or retained in the trust fund, shall be invested in accordance
13 with the provisions of chapter 215. Notwithstanding the
14 provisions of s. 216.301 and pursuant to s. 216.351, any
15 undisbursed balance remaining in the trust fund for the
16 program and income from investments and interest related
17 thereto shall remain in the trust fund and shall increase the
18 total funds available for such matching endowment grants.

19 (3) The matching endowment grants made available under
20 this section shall be made available to any independent
21 nonprofit college or university which:

22 (a) Is located in and chartered by the state.

23 (b) Is accredited by the Commission on Colleges of the
24 Southern Association of Colleges and Schools.

25 (c) Grants baccalaureate degrees.

26 (d) Is not a state university or community college.

27 (e) Has a secular purpose, so long as the receipt of
28 state aid by students at the institution would not have the
29 primary effect of advancing or impeding religion or result in
30 an excessive entanglement between the state and any religious
31 sect.

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- 1 (4)(a) The amounts appropriated for the program shall
2 be allocated by the Department of Education to each
3 independent nonprofit college or university that meets the
4 criteria of subsection (3) in the following manner:
- 5 1. Each such college or university that raises an
6 endowment contribution of at least \$50,000, but no more than
7 \$75,000, from private sources shall receive a matching
8 endowment grant equal to 70 percent of the private
9 contribution.
- 10 2. Each such college or university that raises an
11 endowment contribution in excess of \$75,000, but no more than
12 \$100,000, from private sources shall receive a matching
13 endowment grant equal to 75 percent of the private
14 contribution.
- 15 3. Each such college or university that raises an
16 endowment contribution in excess of \$100,000, but no more than
17 \$125,000, from private sources shall receive a matching
18 endowment grant equal to 80 percent of the private
19 contribution.
- 20 4. Each such college or university that raises an
21 endowment contribution in excess of \$125,000 from private
22 sources shall receive a matching endowment grant equal to 100
23 percent of the private contribution.
- 24 (b) The private sources may include combined
25 contributions for a common purpose, but shall not include
26 separate unrelated contributions. The state endowment
27 matching grant shall be disbursed to the independent nonprofit
28 college or university upon certification by the college or
29 university that it has received and deposited the
30 proportionate amount specified in this subsection.
- 31 (c) Contributions may also be eligible for matching if

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1 there is a commitment to make a donation of \$125,000, and an
2 initial payment of \$25,000 is accompanied by a written pledge
3 to provide the balance within 4 years after the date of such
4 initial payment. Payments on the balance must be at least
5 \$25,000 per year and shall be made on or before the
6 anniversary date of the initial payment. No matching
7 endowment grant shall be disbursed prior to collection of the
8 total pledged contribution from the private source, but a
9 pledged contribution shall encumber the matching endowment
10 grant for that independent nonprofit college or university.

11 (5)(a) By July 1 of each year, each independent
12 nonprofit college or university that desires to participate in
13 the program shall certify to the department its eligibility.
14 The department, upon receipt and acceptance of such
15 certifications, shall reserve an equal amount of the
16 additional funds for the program transferred to the Grants and
17 Donations Trust Fund for that fiscal year for each independent
18 nonprofit college or university that is eligible to
19 participate. An eligible independent nonprofit college or
20 university shall have 3 fiscal years within which to encumber
21 its share of trust funds reserved during the first 3 fiscal
22 years. After the third fiscal year, if any independent
23 nonprofit college or university does not fully utilize or
24 encumber its share of reserved trust funds for any single
25 fiscal year, such reserved funds shall be available in
26 subsequent fiscal years for the purposes of this program.

27 (b) Each eligible institution shall certify to the
28 department its contributions for the year ending June 30,
29 1989. Only the qualified new contributions above the certified
30 base shall be calculated for the purpose of allocating grants
31 during the first 3 years of the program. In subsequent years,

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1 only the qualified new contributions above the certified prior
2 year base shall be calculated for the purpose of allocating
3 such grants.

4 (6) Matching endowment grants made pursuant to this
5 section to a qualified independent nonprofit college or
6 university shall be placed in a separate restricted endowment
7 by such institution. The interest or other income accruing
8 from the endowment shall be expended exclusively for
9 professorships, library resources, scientific and technical
10 equipment, and nonathletic scholarships. Moreover, the funds
11 in the endowment shall not be used for pervasively sectarian
12 instruction, religious worship, or theology or divinity
13 programs or resources. The records of the endowment shall be
14 subject to review by the department and audit or examination
15 by the Auditor General and the Office of Program Policy
16 Analysis and Government Accountability. If any institution
17 receiving a matching endowment grant pursuant to this section
18 ceases operations and undergoes dissolution proceedings, then
19 all funds received pursuant to this section from the state
20 shall be returned.

21 (7) The State Board of Education shall adopt rules
22 necessary to implement this section.

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

25 Section 647. Section 1011.52, Florida Statutes, is
26 created to read:

27 1011.52 Appropriation to first accredited medical
28 school.--

29 (1) Subject to the provisions hereinafter set forth,
30 the Legislature shall provide an annual appropriation to the
31 first accredited medical school. Payments of moneys from such

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1 appropriation shall be made semiannually at the beginning of
2 the first and third quarters.

3 (2) In order for a medical school to qualify under the
4 provisions of this section and to be entitled to the benefits
5 herein, such medical school:

6 (a) Must be primarily operated and established to
7 offer, afford, and render a medical education to residents of
8 the state qualifying for admission to such institution;

9 (b) Must be operated by a municipality or county of
10 this state, or by a nonprofit organization heretofore or
11 hereafter established exclusively for educational purposes;

12 (c) Must, upon the formation and establishment of an
13 accredited medical school, transmit and file with the
14 Department of Education documentary proof evidencing the facts
15 that such institution has been certified and approved by the
16 council on medical education and hospitals of the American
17 Medical Association and has adequately met the requirements of
18 that council in regard to its administrative facilities,
19 administrative plant, clinical facilities, curriculum, and all
20 other such requirements as may be necessary to qualify with
21 the council as a recognized, approved, and accredited medical
22 school;

23 (d) Must certify to the Department of Education the
24 name, address, and educational history of each student
25 approved and accepted for enrollment in such institution for
26 the ensuing school year.

27 (3) The Department of Education shall, within 60 days
28 of the receipt of the student enrollment of the medical
29 school, pay to the school, each year, the amount appropriated
30 for students accepted and approved for enrollment in such
31 medical institution, provided each medical student is a legal

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1 resident of the state or, if the student is not of legal age,
2 his or her parents or legal guardian are residents of the
3 state at the time of the student's acceptance and approval as
4 a medical student. In the event a student resigns or is
5 dismissed from such medical institution for any reason
6 whatsoever before the end of a school year, then the medical
7 institution shall, within 30 days from such dismissal or
8 resignation, remit to the state, through the Department of
9 Education, a pro rata amount of the sum before paid by the
10 state to the medical institution, which amount is to be
11 computed by dividing the total number of days in the school
12 year into the sum paid for that student and multiplying the
13 result by the total number of days remaining in such school
14 year after such resignation or dismissal.

15 (4) Such institution is prohibited from expending any
16 of the sums received under the terms of this section for any
17 purposes whatsoever, except for the operation and maintenance
18 of a medical school and for medical research. The institution
19 is further prohibited from expending any sums received under
20 the terms of this section for the construction or erection of
21 any buildings of any kind, nature, or description or for the
22 maintenance and operation of a hospital in any form or manner
23 whatsoever.

24 Section 648. Part I.d. of chapter 1011, Florida
25 Statutes, shall be entitled "Florida School for the Deaf and
26 the Blind: Preparation, Adoption, and Implementation of
27 Budgets" and shall consist of ss. 1011.55-1011.57.

28 Section 649. Section 1011.55, Florida Statutes, is
29 created to read:

30 1011.55 Procedure for legislative budget requests for
31 the Florida School for the Deaf and the Blind.--

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1 (1) The legislative budget request of the Florida
2 School for the Deaf and the Blind shall be prepared using the
3 same format, procedures, and timelines required for the
4 submission of the legislative budget of the Department of
5 Education. The Commissioner of Education shall include the
6 Florida School for the Deaf and the Blind in the department's
7 legislative budget request to the State Board of Education,
8 the Governor, and the Legislature. The legislative budget
9 request and the appropriation for the Florida School for the
10 Deaf and the Blind shall be a separate identifiable sum in the
11 public schools budget entity of the Department of Education.
12 The annual appropriation for the school shall be distributed
13 monthly in payments as nearly equal as possible.
14 Appropriations for textbooks, instructional technology, and
15 school buses may be released and distributed as necessary to
16 serve the instructional program for the students.

17 (2) Fixed capital outlay needs of the school shall
18 continue to be requested in the public education capital
19 outlay legislative budget request of the Department of
20 Education.

21 Section 650. Section 1011.56, Florida Statutes, is
22 created to read:

23 1011.56 Operating budget for the Florida School for
24 the Deaf and the Blind.--The president of the school shall
25 recommend to the board of trustees a budget of income and
26 expenditures at such time and in such form as the board of
27 trustees may prescribe. The board of trustees shall adopt
28 procedures for the approval of budget amendments. If at any
29 time the unencumbered balance of approved operating budget
30 goes below 5 percent, the president shall provide written
31 notification to the State Board of Education.

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1 Section 651. Section 1011.57, Florida Statutes, is
2 created to read:

3 1011.57 Florida School for the Deaf and the Blind;
4 board of trustees; management flexibility.--

5 (1) Notwithstanding the provisions of ss. 216.031,
6 216.181, and 216.262 to the contrary and pursuant to the
7 provisions of s. 216.351, but subject to any guidelines
8 imposed in the General Appropriations Act, funds for the
9 operation of the Florida School for the Deaf and the Blind
10 shall be requested and appropriated within budget entities,
11 program components, program categories, lump sums, or special
12 categories. Funds appropriated to the Florida School for the
13 Deaf and the Blind for each program category, lump sum, or
14 special category may be transferred to traditional categories
15 for expenditure by the board of trustees of the school. The
16 board of trustees shall develop an annual operating budget
17 that allocates funds by program component and traditional
18 expenditure category.

19 (2) Notwithstanding the provisions of s. 216.181 and
20 pursuant to the provisions of s. 216.351, but subject to any
21 requirements imposed in the General Appropriations Act, no
22 lump-sum plan is required to implement the special categories,
23 program categories, or lump-sum appropriations. Upon release
24 of the special categories, program categories, or lump-sum
25 appropriations to the board of trustees, the Comptroller, upon
26 the request of the board of trustees, shall transfer or
27 reallocate funds to or among accounts established for
28 disbursement purposes. The board of trustees shall maintain
29 records to account for the original appropriation.

30 (3) Notwithstanding the provisions of ss. 216.031,
31 216.181, 216.251, and 216.262 to the contrary and pursuant to

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1 the provisions of s. 216.351, but subject to any requirements
2 imposed in the General Appropriations Act, the board of
3 trustees shall establish the authorized positions and may
4 amend such positions, within the total funds authorized
5 annually in the appropriations act.

6 (4) Notwithstanding the provisions of s. 216.301 to
7 the contrary, the Executive Office of the Governor shall, on
8 July 1 of each year, certify forward all unexpended funds
9 appropriated for the Florida School for the Deaf and the
10 Blind. The unexpended amounts in any fund shall be carried
11 forward and included as the balance forward for that fund in
12 the approved operating budget for the following year.

13 Section 652. Part II of chapter 1011, Florida
14 Statutes, shall be entitled "Funding for School Districts" and
15 shall consist of ss. 1011.60-1011.77.

16 Section 653. Section 1011.60, Florida Statutes, is
17 created to read:

18 1011.60 Minimum requirements of the Florida Education
19 Finance Program.--Each district which participates in the
20 state appropriations for the Florida Education Finance Program
21 shall provide evidence of its effort to maintain an adequate
22 school program throughout the district and shall meet at least
23 the following requirements:

24 (1) ACCOUNTS AND REPORTS.--Maintain adequate and
25 accurate records, including a system of internal accounts for
26 individual schools, and file with the Department of Education,
27 in correct and proper form on or before the date due as fixed
28 by law or rule, each annual or periodic report that is
29 required by rules of the State Board of Education.

30 (2) MINIMUM TERM.--Operate all schools for a term of
31 at least 180 actual teaching days as prescribed in s.

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1 1003.01(14) or the equivalent on an hourly basis as specified
2 by rules of the State Board of Education each school year. The
3 State Board of Education may prescribe procedures for
4 altering, and, upon written application, may alter, this
5 requirement during a national, state, or local emergency as it
6 may apply to an individual school or schools in any district
7 or districts if, in the opinion of the board, it is not
8 feasible to make up lost days, and the apportionment may, at
9 the discretion of the Commissioner of Education and if the
10 board determines that the reduction of school days is caused
11 by the existence of a bona fide emergency, be reduced for such
12 district or districts in proportion to the decrease in the
13 length of term in any such school or schools. A strike, as
14 defined in s. 447.203(6), by employees of the school district
15 may not be considered an emergency.

16 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
17 appointment, promotion, transfer, suspension, and dismissal of
18 personnel.

19 (a) Such rules must conform to applicable law and
20 rules of the State Board of Education and must include the
21 duties and responsibilities of the district school
22 superintendent and school board pertaining to these and other
23 personnel matters.

24 (b) All personnel shall be paid in accordance with
25 payroll period schedules adopted by the school board and
26 included in the official salary schedule.

27 (c) No salary payment shall be paid to any employee in
28 advance of service being rendered.

29 (d) District school boards may authorize a maximum of
30 six paid legal holidays which shall apply to the 196 days of
31 service.

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1 (e) Such rules may include reasonable time for
2 vacation and absences for further professional studies for
3 personnel employed on a 12-month basis.

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

13 (4) SALARY SCHEDULES.--Expend funds for salaries in
14 accordance with a salary schedule or schedules adopted by the
15 school board in accordance with the provisions of law and
16 rules of the State Board of Education. Expenditures for
17 salaries of instructional personnel must include compensation
18 based on employee performance demonstrated under s. 1012.34.

19 (5) BUDGETS.--Observe fully at all times all
20 requirements of law and rules of the State Board of Education
21 relating to the preparation, adoption, and execution of
22 budgets for district school boards.

23 (6) MINIMUM FINANCIAL EFFORT REQUIRED.--Make the
24 minimum financial effort required for the support of the
25 Florida Education Finance Program as prescribed in the current
26 year's General Appropriations Act.

27 (7) DISTRICT EDUCATIONAL PLANNING.--Maintain a system
28 of planning and evaluation as required by law.

29 (8) MINIMUM CLASSROOM EXPENDITURE
30 REQUIREMENTS.--Comply with the minimum classroom expenditure
31 requirements and associated reporting pursuant to s. 1011.64.

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1 Section 654. Section 1011.61, Florida Statutes, is
2 created to read:

3 1011.61 Definitions.--Notwithstanding the provisions
4 of s. 1000.21, the following terms are defined as follows for
5 the purposes of the Florida Education Finance Program:

6 (1) A "full-time equivalent student" in each program
7 of the district is defined in terms of full-time students and
8 part-time students as follows:

9 (a) A "full-time student" is one student on the
10 membership roll of one school program or a combination of
11 school programs listed in s. 1011.62(1)(c) for the school year
12 or the equivalent for:

13 1. Instruction in a standard school, comprising not
14 less than 900 net hours for a student in or at the grade level
15 of 4 through 12, or not less than 720 net hours for a student
16 in or at the grade level of kindergarten through grade 3 or in
17 an authorized prekindergarten exceptional program;

18 2. Instruction in a double-session school or a school
19 utilizing an experimental school calendar approved by the
20 Department of Education, comprising not less than the
21 equivalent of 810 net hours in grades 4 through 12 or not less
22 than 630 net hours in kindergarten through grade 3; or

23 3. Instruction comprising the appropriate number of
24 net hours set forth in subparagraph 1. or subparagraph 2. for
25 students who, within the past year, have moved with their
26 parents for the purpose of engaging in the farm labor or fish
27 industries, if a plan furnishing such an extended school day
28 or week, or a combination thereof, has been approved by the
29 commissioner. Such plan may be approved to accommodate the
30 needs of migrant students only or may serve all students in
31 schools having a high percentage of migrant students. The plan

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1 described in this subparagraph is optional for any school
2 district and is not mandated by the state.

3 (b) A "part-time student" is a student on the active
4 membership roll of a school program or combination of school
5 programs listed in s. 1011.62(1)(c) who is less than a
6 full-time student.

7 (c)1. A "full-time equivalent student" is:

8 a. A full-time student in any one of the programs
9 listed in s. 1011.62(1)(c); or

10 b. A combination of full-time or part-time students in
11 any one of the programs listed in s. 1011.62(1)(c) which is
12 the equivalent of one full-time student based on the following
13 calculations:

14 (I) A full-time student, except a postsecondary or
15 adult student or a senior high school student enrolled in
16 adult education when such courses are required for high school
17 graduation, in a combination of programs listed in s.
18 1011.62(1)(c) shall be a fraction of a full-time equivalent
19 membership in each special program equal to the number of net
20 hours per school year for which he or she is a member, divided
21 by the appropriate number of hours set forth in subparagraph
22 (a)1. or subparagraph (a)2. The difference between that
23 fraction or sum of fractions and the maximum value as set
24 forth in subsection (4) for each full-time student is presumed
25 to be the balance of the student's time not spent in such
26 special education programs and shall be recorded as time in
27 the appropriate basic program.

28 (II) A prekindergarten handicapped student shall meet
29 the requirements specified for kindergarten students.

30 2. A student in membership in a program scheduled for
31 more or less than 180 school days is a fraction of a full-time

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1 equivalent membership equal to the number of instructional
2 hours in membership divided by the appropriate number of hours
3 set forth in subparagraph (a)1.; however, for the purposes of
4 this subparagraph, membership in programs scheduled for more
5 than 180 days is limited to students enrolled in juvenile
6 justice education programs.

7
8 The department shall determine and implement an equitable
9 method of equivalent funding for experimental schools and for
10 schools operating under emergency conditions, which schools
11 have been approved by the department to operate for less than
12 the minimum school day.

13 (2) A "full-time equivalent student" is a student in
14 grades 4 through 8 who is participating in a student-teacher
15 adviser program conducted during homeroom period, who is a
16 fraction of a full-time equivalent membership based on net
17 hours in the program, with a maximum of 36 net hours in any
18 fiscal year. Each district program shall be approved by the
19 Department of Education.

20 (3) For the purpose of calculating the "current
21 operation program," a student is in membership until he or she
22 withdraws or until the close of the 11th consecutive school
23 day of his or her absence, whichever comes first.

24 (4) The maximum value for funding a student in
25 kindergarten through grade 12 or in a prekindergarten program
26 for exceptional children as provided in s. 1003.21(1)(e),
27 except for a student as set forth in sub-sub-subparagraph
28 (1)(c)1.b.(I), is one full-time equivalent student membership
29 for a school year or equivalent.

30 (5) The "Florida Education Finance Program" includes
31 all programs and costs as provided in s. 1011.62.

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1 (6) "Basic programs" include, but are not limited to,
2 language arts, mathematics, art, music, physical education,
3 science, and social studies.

4 Section 655. Effective upon this act becoming a law,
5 section 1011.62, Florida Statutes, is created to read:

6 1011.62 Funds for operation of schools.--If the annual
7 allocation from the Florida Education Finance Program to each
8 district for operation of schools is not determined in the
9 annual appropriations act or the substantive bill implementing
10 the annual appropriations act, it shall be determined as
11 follows:

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

16 (a) Determination of full-time equivalent
17 membership.--During each of several school weeks, including
18 scheduled intersessions of a year-round school program during
19 the fiscal year, a program membership survey of each school
20 shall be made by each district by aggregating the full-time
21 equivalent student membership of each program by school and by
22 district. The department shall establish the number and
23 interval of membership calculations, except that for basic and
24 special programs such calculations shall not exceed nine for
25 any fiscal year. The district's full-time equivalent
26 membership shall be computed and currently maintained in
27 accordance with regulations of the commissioner.

28 (b) Determination of base student allocation.--The
29 base student allocation for the Florida Education Finance
30 Program for kindergarten through grade 12 shall be determined
31 annually by the Legislature and shall be that amount

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1 prescribed in the current year's General Appropriations Act.
2 (c) Determination of programs.--Cost factors based on
3 desired relative cost differences between the following
4 programs shall be established in the annual General
5 Appropriations Act. The Commissioner of Education shall
6 specify a matrix of services and intensity levels to be used
7 by districts in the determination of the two weighted cost
8 factors for exceptional students with the highest levels of
9 need. For these students, the funding support level shall fund
10 the exceptional students' education program, with the
11 exception of extended school year services for students with
12 disabilities.
13 1. Basic programs.--
14 a. Kindergarten and grades 1, 2, and 3.
15 b. Grades 4, 5, 6, 7, and 8.
16 c. Grades 9, 10, 11, and 12.
17 2. Programs for exceptional students.--
18 a. Support Level IV.
19 b. Support Level V.
20 3. Secondary career and technical education
21 programs.--
22 4. English for Speakers of Other Languages.--
23 (d) Annual allocation calculation.--
24 1. The Department of Education is authorized and
25 directed to review all district programs and enrollment
26 projections and calculate a maximum total weighted full-time
27 equivalent student enrollment for each district for the K-12
28 FEFP.
29 2. Maximum enrollments calculated by the department
30 shall be derived from enrollment estimates used by the
31 Legislature to calculate the FEFP. If two or more districts

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1 enter into an agreement under the provisions of s.
2 1001.42(4)(d), after the final enrollment estimate is agreed
3 upon, the amount of FTE specified in the agreement, not to
4 exceed the estimate for the specific program as identified in
5 paragraph (c), may be transferred from the participating
6 districts to the district providing the program.

7 3. As part of its calculation of each district's
8 maximum total weighted full-time equivalent student
9 enrollment, the department shall establish separate enrollment
10 ceilings for each of two program groups. Group 1 shall be
11 composed of basic programs for grades K-3, grades 4-8, and
12 grades 9-12. Group 2 shall be composed of students in
13 exceptional student education programs, English for Speakers
14 of Other Languages programs, and all career and technical
15 programs in grades 7-12.

16 a. The weighted enrollment ceiling for group 2
17 programs shall be calculated by multiplying the final
18 enrollment conference estimate for each program by the
19 appropriate program weight. The weighted enrollment ceiling
20 for program group 2 shall be the sum of the weighted
21 enrollment ceilings for each program in the program group,
22 plus the increase in weighted full-time equivalent student
23 membership from the prior year for clients of the Department
24 of Children and Family Services and the Department of Juvenile
25 Justice.

26 b. If, for any calculation of the FEFP, the weighted
27 enrollment for program group 2, derived by multiplying actual
28 enrollments by appropriate program weights, exceeds the
29 enrollment ceiling for that group, the following procedure
30 shall be followed to reduce the weighted enrollment for that
31 group to equal the enrollment ceiling:

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1 (I) The weighted enrollment ceiling for each program
2 in the program group shall be subtracted from the weighted
3 enrollment for that program derived from actual enrollments.

4 (II) If the difference calculated under
5 sub-sub-subparagraph (I) is greater than zero for any program,
6 a reduction proportion shall be computed for the program by
7 dividing the absolute value of the difference by the total
8 amount by which the weighted enrollment for the program group
9 exceeds the weighted enrollment ceiling for the program group.

10 (III) The reduction proportion calculated under
11 sub-sub-subparagraph (II) shall be multiplied by the total
12 amount of the program group's enrollment over the ceiling as
13 calculated under sub-sub-subparagraph (I).

14 (IV) The prorated reduction amount calculated under
15 sub-sub-subparagraph (III) shall be subtracted from the
16 program's weighted enrollment. For any calculation of the
17 FEFP, the enrollment ceiling for group 1 shall be calculated
18 by multiplying the actual enrollment for each program in the
19 program group by its appropriate program weight.

20 c. For program group 2, the weighted enrollment
21 ceiling shall be a number not less than the sum obtained by:

22 (I) Multiplying the sum of reported FTE for all
23 programs in the program group that have a cost factor of 1.0
24 or more by 1.0, and

25 (II) By adding this number to the sum obtained by
26 multiplying the projected FTE for all programs with a cost
27 factor less than 1.0 by the actual cost factor.

28 4. Following completion of the weighted enrollment
29 ceiling calculation as provided in subparagraph 3., a
30 supplemental capping calculation shall be employed for those
31 districts that are over their weighted enrollment ceiling. For

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1 each such district, the total reported unweighted FTE
2 enrollment for group 2 programs shall be compared with the
3 total appropriated unweighted FTE enrollment for group 2
4 programs. If the total reported unweighted FTE for group 2 is
5 greater than the appropriated unweighted FTE, then the excess
6 unweighted FTE up to the unweighted FTE transferred from group
7 2 to group 1 for each district by the Public School FTE
8 Estimating Conference shall be funded at a weight of 1.0 and
9 added to the funded weighted FTE computed in subparagraph 3.

10 (e) Funding model for exceptional student education
11 programs.--

12 1.a. The funding model uses basic, at-risk, support
13 levels IV and V for exceptional students and career and
14 technical Florida Education Finance Program cost factors, and
15 a guaranteed allocation for exceptional student education
16 programs. Exceptional education cost factors are determined by
17 using a matrix of services to document the services that each
18 exceptional student will receive. The nature and intensity of
19 the services indicated on the matrix shall be consistent with
20 the services described in each exceptional student's
21 individual educational plan.

22 b. In order to generate funds using one of the two
23 weighted cost factors, a matrix of services must be completed
24 at the time of the student's initial placement into an
25 exceptional student education program and at least once every
26 3 years by personnel who have received approved training.
27 Nothing listed in the matrix shall be construed as limiting
28 the services a school district must provide in order to ensure
29 that exceptional students are provided a free, appropriate
30 public education.

31 c. Students identified as exceptional, in accordance

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1 with chapter 6A-6, Florida Administrative Code, who do not
2 have a matrix of services as specified in sub-subparagraph b.
3 shall generate funds on the basis of full-time-equivalent
4 student membership in the Florida Education Finance Program at
5 the same funding level per student as provided for basic
6 students. Additional funds for these exceptional students will
7 be provided through the guaranteed allocation designated in
8 subparagraph 2.

9 2. For students identified as exceptional who do not
10 have a matrix of services, there is created a guaranteed
11 allocation to provide these students with a free appropriate
12 public education, in accordance with s. 1001.42(4)(m) and
13 rules of the State Board of Education, which shall be
14 allocated annually to each school district in the amount
15 provided in the General Appropriations Act. These funds shall
16 be in addition to the funds appropriated on the basis of FTE
17 student membership in the Florida Education Finance Program,
18 and the amount allocated for each school district shall not be
19 recalculated during the year. These funds shall be used to
20 provide special education and related services for exceptional
21 students.

22 (f) Supplemental academic instruction; categorical
23 fund.--

24 1. There is created a categorical fund to provide
25 supplemental academic instruction to students in kindergarten
26 through grade 12. This paragraph may be cited as the
27 "Supplemental Academic Instruction Categorical Fund."

28 2. Categorical funds for supplemental academic
29 instruction shall be allocated annually to each school
30 district in the amount provided in the General Appropriations
31 Act. These funds shall be in addition to the funds

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1 appropriated on the basis of FTE student membership in the
2 Florida Education Finance Program and shall be included in the
3 total potential funds of each district. These funds shall be
4 used to provide supplemental academic instruction to students
5 enrolled in the K-12 program. Supplemental instruction
6 strategies may include, but are not limited to: modified
7 curriculum, reading instruction, after-school instruction,
8 tutoring, mentoring, class size reduction, extended school
9 year, intensive skills development in summer school, and other
10 methods for improving student achievement. Supplemental
11 instruction may be provided to a student in any manner and at
12 any time during or beyond the regular 180-day term identified
13 by the school as being the most effective and efficient way to
14 best help that student progress from grade to grade and to
15 graduate.

16 3. Effective with the 1999-2000 fiscal year, funding
17 on the basis of FTE membership beyond the 180-day regular term
18 shall be provided in the FEFP only for students enrolled in
19 juvenile justice education programs. Funding for instruction
20 beyond the regular 180-day school year for all other K-12
21 students shall be provided through the supplemental academic
22 instruction categorical fund and other state, federal, and
23 local fund sources with ample flexibility for schools to
24 provide supplemental instruction to assist students in
25 progressing from grade to grade and graduating.

26 4. The Florida State University School, as a
27 developmental research school, is authorized to expend from
28 its FEFP or Lottery Enhancement Trust Fund allocation the cost
29 to the student of remediation in reading, writing, or
30 mathematics for any graduate who requires remediation at a
31 postsecondary educational institution.

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1 5. Beginning in the 1999-2000 school year, dropout
2 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
3 (b), and (c), and 1003.54 shall be included in Group 1
4 programs under subparagraph (1)(d)3.

5 (g) Education for speakers of other languages.--A
6 school district shall be eligible to report full-time
7 equivalent student membership in the ESOL program in the
8 Florida Education Finance Program provided the following
9 conditions are met:

10 1. The school district has a plan approved by the
11 Department of Education.

12 2. The eligible student is identified and assessed as
13 limited English proficient based on assessment criteria.

14 3.a. An eligible student may be reported for funding
15 in the ESOL program for a base period of 3 years. However, a
16 student whose English competency does not meet the criteria
17 for proficiency after 3 years in the ESOL program may be
18 reported for a fourth, fifth, and sixth year of funding,
19 provided his or her limited English proficiency is assessed
20 and properly documented prior to his or her enrollment in each
21 additional year beyond the 3-year base period.

22 b. If a student exits the program and is later
23 reclassified as limited English proficient, the student may be
24 reported in the ESOL program for funding for an additional
25 year, or extended annually for a period not to exceed a total
26 of 6 years pursuant to this paragraph, based on an annual
27 evaluation of the student's status.

28 4. An eligible student may be reported for funding in
29 the ESOL program for membership in ESOL instruction in English
30 and ESOL instruction or home language instruction in the basic
31 subject areas of mathematics, science, social studies, and

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1 computer literacy.

2 (h) Small, isolated high schools.--Districts which
3 levy the maximum nonvoted discretionary millage, exclusive of
4 millage for capital outlay purposes levied pursuant to s.
5 1011.71(2), may calculate full-time equivalent students for
6 small, isolated high schools by multiplying the number of
7 unweighted full-time equivalent students times 2.75; provided
8 the percentage of students at such school passing both parts
9 of the high school competency test, as defined by law and
10 rule, has been equal to or higher than such percentage for the
11 state or district, whichever is greater. For the purpose of
12 this section, the term "small, isolated high school" means any
13 high school which is located no less than 28 miles by the
14 shortest route from another high school; which has been
15 servicing students primarily in basic studies provided by
16 sub-subparagraphs (c)1.b. and c. and may include subparagraph
17 (c)4.; and which has a membership of no more than 100
18 students, but no fewer than 28 students, in grades 9 through
19 12.

20 (i) Calculation of full-time equivalent membership
21 with respect to instruction from community colleges or state
22 universities.--Students enrolled in community college or
23 university dual enrollment instruction pursuant to s. 1007.271
24 may be included in calculations of full-time equivalent
25 student memberships for basic programs for grades 9 through 12
26 by a district school board. Such students may also be
27 calculated as the proportional shares of full-time equivalent
28 enrollments they generate for the community college or
29 university conducting the dual enrollment instruction. Early
30 admission students shall be considered dual enrollments for
31 funding purposes. Students may be enrolled in dual enrollment

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1 instruction provided by an eligible independent college or
2 university and may be included in calculations of full-time
3 equivalent student memberships for basic programs for grades 9
4 through 12 by a district school board. However, those
5 provisions of law which exempt dual enrolled and early
6 admission students from payment of instructional materials and
7 tuition and fees, including laboratory fees, shall not apply
8 to students who select the option of enrolling in an eligible
9 independent institution. An independent college or university
10 which is located and chartered in Florida, is not for profit,
11 is accredited by the Commission on Colleges of the Southern
12 Association of Colleges and Schools or the Accrediting
13 Commission of the Association of Independent Colleges and
14 Schools, and which confers degrees as defined in s. 1005.02
15 shall be eligible for inclusion in the dual enrollment or
16 early admission program. Students enrolled in dual enrollment
17 instruction shall be exempt from the payment of tuition and
18 fees, including laboratory fees. No student enrolled in
19 college credit mathematics or English dual enrollment
20 instruction shall be funded as a dual enrollment unless the
21 student has successfully completed the relevant section of the
22 entry-level examination required pursuant to s. 1008.30.

23 (j) Coenrollment.--If a high school student wishes to
24 earn high school credits from a community college and enrolls
25 in one or more adult secondary education courses at the
26 community college, the community college shall be reimbursed
27 for the costs incurred because of the high school student's
28 coenrollment as provided in the General Appropriations Act.

29 (k) Instruction in exploratory career
30 education.--Students in grades 7 through 12 who are enrolled
31 for more than four semesters in exploratory career education

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1 may not be counted as full-time equivalent students for this
2 instruction.

3 (1) Calculation of additional full-time equivalent
4 membership based on international baccalaureate examination
5 scores of students.--A value of 0.24 full-time equivalent
6 student membership shall be calculated for each student
7 enrolled in an international baccalaureate course who receives
8 a score of 4 or higher on a subject examination. A value of
9 0.3 full-time equivalent student membership shall be
10 calculated for each student who receives an international
11 baccalaureate diploma. Such value shall be added to the total
12 full-time equivalent student membership in basic programs for
13 grades 9 through 12 in the subsequent fiscal year. The school
14 district shall distribute to each classroom teacher who
15 provided international baccalaureate instruction:

16 1. A bonus in the amount of \$50 for each student
17 taught by the International Baccalaureate teacher in each
18 international baccalaureate course who receives a score of 4
19 or higher on the international baccalaureate examination.

20 2. An additional bonus of \$500 to each International
21 Baccalaureate teacher in a school designated performance grade
22 category "D" or "F" who has at least one student scoring 4 or
23 higher on the international baccalaureate examination,
24 regardless of the number of classes taught or of the number of
25 students scoring a 4 or higher on the international
26 baccalaureate examination.

27
28 Bonuses awarded to a teacher according to this paragraph shall
29 not exceed \$2,000 in any given school year and shall be in
30 addition to any regular wage or other bonus the teacher
31 received or is scheduled to receive.

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1 (m) Calculation of additional full-time equivalent
2 membership based on Advanced International Certificate of
3 Education examination scores of students.--A value of 0.24
4 full-time equivalent student membership shall be calculated
5 for each student enrolled in a full-credit Advanced
6 International Certificate of Education course who receives a
7 score of 2 or higher on a subject examination. A value of 0.12
8 full-time equivalent student membership shall be calculated
9 for each student enrolled in a half-credit Advanced
10 International Certificate of Education course who receives a
11 score of 1 or higher on a subject examination. A value of 0.3
12 full-time equivalent student membership shall be calculated
13 for each student who received an Advanced International
14 Certificate of Education diploma. Such value shall be added to
15 the total full-time equivalent student membership in basic
16 programs for grades 9 through 12 in the subsequent fiscal
17 year. The school district shall distribute to each classroom
18 teacher who provided Advanced International Certificate of
19 Education instruction:

20 1. A bonus in the amount of \$50 for each student
21 taught by the Advanced International Certificate of Education
22 teacher in each full-credit Advanced International Certificate
23 of Education course who receives a score of 2 or higher on the
24 Advanced International Certificate of Education examination. A
25 bonus in the amount of \$25 for each student taught by the
26 Advanced International Certificate of Education teacher in
27 each half-credit Advanced International Certificate of
28 Education course who receives a score of 1 or higher on the
29 Advanced International Certificate of Education examination.

30 2. An additional bonus of \$500 to each Advanced
31 International Certificate of Education teacher in a school

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1 designated performance grade category "D" or "F" who has at
2 least one student scoring 2 or higher on the full-credit
3 Advanced International Certificate of Education examination,
4 regardless of the number of classes taught or of the number of
5 students scoring a 2 or higher on the full-credit Advanced
6 International Certificate of Education examination.

7 3. Additional bonuses of \$250 each to teachers of
8 half-credit Advanced International Certificate of Education
9 classes in a school designated performance grade category "D"
10 or "F" which has at least one student scoring a 1 or higher on
11 the half-credit Advanced International Certificate of
12 Education examination in that class. The maximum additional
13 bonus for a teacher awarded in accordance with this
14 subparagraph shall not exceed \$500 in any given school year.
15 Teachers receiving an award under subparagraph 2. are not
16 eligible for a bonus under this subparagraph.

17
18 Bonuses awarded to a teacher according to this paragraph shall
19 not exceed \$2,000 in any given school year and shall be in
20 addition to any regular wage or other bonus the teacher
21 received or is scheduled to receive.

22 (n) Calculation of additional full-time equivalent
23 membership based on college board advanced placement scores of
24 students.--A value of 0.24 full-time equivalent student
25 membership shall be calculated for each student in each
26 advanced placement course who receives a score of 3 or higher
27 on the College Board Advanced Placement Examination for the
28 prior year and added to the total full-time equivalent student
29 membership in basic programs for grades 9 through 12 in the
30 subsequent fiscal year. Each district must allocate at least
31 80 percent of the funds provided to the district for advanced

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1 placement instruction, in accordance with this paragraph, to
2 the high school that generates the funds. The school district
3 shall distribute to each classroom teacher who provided
4 advanced placement instruction:

5 1. A bonus in the amount of \$50 for each student
6 taught by the Advanced Placement teacher in each advanced
7 placement course who receives a score of 3 or higher on the
8 College Board Advanced Placement Examination.

9 2. An additional bonus of \$500 to each Advanced
10 Placement teacher in a school designated performance grade
11 category "D" or "F" who has at least one student scoring 3 or
12 higher on the College Board Advanced Placement Examination,
13 regardless of the number of classes taught or of the number of
14 students scoring a 3 or higher on the College Board Advanced
15 Placement Examination.

16
17 Bonuses awarded to a teacher according to this paragraph shall
18 not exceed \$2,000 in any given school year and shall be in
19 addition to any regular wage or other bonus the teacher
20 received or is scheduled to receive.

21 (o) Year-round-school programs.--The Commissioner of
22 Education is authorized to adjust student eligibility
23 definitions, funding criteria, and reporting requirements of
24 statutes and rules in order that year-round-school programs
25 may achieve equivalent application of funding requirements
26 with non-year-round-school programs.

27 (p) Extended-school-year program.--It is the intent of
28 the Legislature that students be provided additional
29 instruction by extending the school year to 210 days or more.
30 Districts may apply to the Commissioner of Education for funds
31 to be used in planning and implementing an

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1 extended-school-year program. The Department of Education
2 shall recommend to the Legislature the policies necessary for
3 full implementation of an extended school year.

4 (q) Determination of the basic amount for current
5 operation.--The basic amount for current operation to be
6 included in the Florida Education Finance Program for
7 kindergarten through grade 12 for each district shall be the
8 product of the following:

9 1. The full-time equivalent student membership in each
10 program, multiplied by

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

13 3. The base student allocation.

14 (r) Computation for funding through the Florida
15 Education Finance Program.--The State Board of Education may
16 adopt rules establishing programs and courses for which the
17 student may earn credit toward high school graduation.

18 (2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.--The
19 Commissioner of Education shall annually compute for each
20 district the current year's district cost differential. The
21 district cost differential shall be calculated by adding each
22 district's price level index as published in the Florida Price
23 Level Index for the most recent 3 years and dividing the
24 resulting sum by 3. The result for each district shall be
25 multiplied by 0.008 and to the resulting product shall be
26 added 0.200; the sum thus obtained shall be the cost
27 differential for that district for that year.

28 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING
29 EXPENDITURE.--Of the amount computed in subsections (1) and
30 (2), a percentage of the base student allocation per full-time
31 equivalent student or other funds shall be expended for

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1 educational training programs as determined by the district
2 school board as provided in s. 1012.98.

3 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL
4 EFFORT.--The Legislature shall prescribe the aggregate
5 required local effort for all school districts collectively as
6 an item in the General Appropriations Act for each fiscal
7 year. The amount that each district shall provide annually
8 toward the cost of the Florida Education Finance Program for
9 kindergarten through grade 12 programs shall be calculated as
10 follows:

11 (a) Estimated taxable value calculations.--
12 1.a. Not later than 2 working days prior to July 19,
13 the Department of Revenue shall certify to the Commissioner of
14 Education its most recent estimate of the taxable value for
15 school purposes in each school district and the total for all
16 school districts in the state for the current calendar year
17 based on the latest available data obtained from the local
18 property appraisers. Not later than July 19, the Commissioner
19 of Education shall compute a millage rate, rounded to the next
20 highest one one-thousandth of a mill, which, when applied to
21 95 percent of the estimated state total taxable value for
22 school purposes, would generate the prescribed aggregate
23 required local effort for that year for all districts. The
24 Commissioner of Education shall certify to each district
25 school board the millage rate, computed as prescribed in this
26 subparagraph, as the minimum millage rate necessary to provide
27 the district required local effort for that year.

28 b. The General Appropriations Act shall direct the
29 computation of the statewide adjusted aggregate amount for
30 required local effort for all school districts collectively
31 from ad valorem taxes to ensure that no school district's

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1 revenue from required local effort millage will produce more
2 than 90 percent of the district's total Florida Education
3 Finance Program calculation, and the adjustment of the
4 required local effort millage rate of each district that
5 produces more than 90 percent of its total Florida Education
6 Finance Program entitlement to a level that will produce only
7 90 percent of its total Florida Education Finance Program
8 entitlement in the July calculation.

9 2. As revised data are received from property
10 appraisers, the Department of Revenue shall amend the
11 certification of the estimate of the taxable value for school
12 purposes. The Commissioner of Education, in administering the
13 provisions of subparagraph (9)(a)2., shall use the most recent
14 taxable value for the appropriate year.

15 (b) Final calculation.--

16 1. The Department of Revenue shall, upon receipt of
17 the official final assessed value of property from each of the
18 property appraisers, certify to the Commissioner of Education
19 the taxable value total for school purposes in each school
20 district, subject to the provisions of paragraph (d). The
21 commissioner shall use the official final taxable value for
22 school purposes for each school district in the final
23 calculation of the annual Florida Education Finance Program
24 allocations.

25 2. For the purposes of this paragraph, the official
26 final taxable value for school purposes shall be the taxable
27 value for school purposes on which the tax bills are computed
28 and mailed to the taxpayers, adjusted to reflect final
29 administrative actions of value adjustment boards and judicial
30 decisions pursuant to part I of chapter 194. By September 1 of
31 each year, the Department of Revenue shall certify to the

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1 commissioner the official prior year final taxable value for
2 school purposes. For each county that has not submitted a
3 revised tax roll reflecting final value adjustment board
4 actions and final judicial decisions, the Department of
5 Revenue shall certify the most recent revision of the official
6 taxable value for school purposes. The certified value shall
7 be the final taxable value for school purposes, and no further
8 adjustments shall be made, except those made pursuant to
9 subparagraph (9)(a)2.

10 (c) Equalization of required local effort.--

11 1. The Department of Revenue shall include with its
12 certifications provided pursuant to paragraph (a) its most
13 recent determination of the assessment level of the prior
14 year's assessment roll for each county and for the state as a
15 whole.

16 2. The Commissioner of Education shall adjust the
17 required local effort millage of each district for the current
18 year, computed pursuant to paragraph (a), as follows:

19 a. The equalization factor for the prior year's
20 assessment roll of each district shall be multiplied by 95
21 percent of the taxable value for school purposes shown on that
22 roll and by the prior year's required local-effort millage,
23 exclusive of any equalization adjustment made pursuant to this
24 paragraph. The dollar amount so computed shall be the
25 additional required local effort for equalization for the
26 current year.

27 b. Such equalization factor shall be computed as the
28 quotient of the prior year's assessment level of the state as
29 a whole divided by the prior year's assessment level of the
30 county, from which quotient shall be subtracted 1.

31 c. The dollar amount of additional required local

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1 effort for equalization for each district shall be converted
2 to a millage rate, based on 95 percent of the current year's
3 taxable value for that district, and added to the required
4 local effort millage determined pursuant to paragraph (a).

5 3. Notwithstanding the limitations imposed pursuant to
6 s. 1011.71(1), the total required local-effort millage,
7 including additional required local effort for equalization,
8 shall be an amount not to exceed 10 minus the maximum millage
9 allowed as nonvoted discretionary millage, exclusive of
10 millage authorized pursuant to s. 1011.71(2). Nothing herein
11 shall be construed to allow a millage in excess of that
12 authorized in s. 9, Art. VII of the State Constitution.

13 4. For the purposes of this chapter, the term
14 "assessment level" means the value-weighted mean assessment
15 ratio for the county or state as a whole, as determined
16 pursuant to s. 195.096, or as subsequently adjusted. In the
17 event a court has adjudicated that the department failed to
18 establish an accurate estimate of an assessment level of a
19 county and recomputation resulting in an accurate estimate
20 based upon the evidence before the court was not possible,
21 that county shall be presumed to have an assessment level
22 equal to that of the state as a whole.

23 5. If, in the prior year, taxes were levied against an
24 interim assessment roll pursuant to s. 193.1145, the
25 assessment level and prior year's nonexempt assessed valuation
26 used for the purposes of this paragraph shall be those of the
27 interim assessment roll.

28 (d) Exclusion.--

29 1. In those instances in which:

30 a. There is litigation either attacking the authority
31 of the property appraiser to include certain property on the

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1 tax assessment roll as taxable property or contesting the
2 assessed value of certain property on the tax assessment roll,
3 and

4 b. The assessed value of the property in contest
5 involves more than 6 percent of the total nonexempt assessment
6 roll, the plaintiff shall provide to the district school board
7 of the county in which the property is located and to the
8 Department of Education a certified copy of the petition and
9 receipt for the good faith payment at the time they are filed
10 with the court.

11 2. For purposes of computing the required local effort
12 for each district affected by such petition, the Department of
13 Education shall exclude from the district's total nonexempt
14 assessment roll the assessed value of the property in contest
15 and shall add the amount of the good faith payment to the
16 district's required local effort.

17 (e) Recomputation.--Following final adjudication of
18 any litigation on the basis of which an adjustment in taxable
19 value was made pursuant to paragraph (d), the department shall
20 recompute the required local effort for each district for each
21 year affected by such adjustments, utilizing taxable values
22 approved by the court, and shall adjust subsequent allocations
23 to such districts accordingly.

24 (5) CATEGORICAL FUNDS.--

25 (a) In addition to the basic amount for current
26 operations for the FEFP as determined in subsection (1) the
27 Legislature may appropriate categorical funding for specified
28 programs, activities, or purposes.

29 (b) For fiscal year 2002-2003, if a district school
30 board finds and declares in a resolution adopted at a regular
31 meeting of the school board that the funds received for any of

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1 the following categorical appropriations are urgently needed
2 to maintain school board specified academic classroom
3 instruction, the school board may consider and approve an
4 amendment to the school district operating budget transferring
5 the identified amount of the categorical funds to the
6 appropriate account for expenditure:

7 1. Funds for student transportation.

8 2. Funds for in-service educational personnel
9 training.

10 3. Funds for safe schools.

11 4. Funds for public school technology.

12 5. Funds for teacher recruitment and retention.

13 6. Funds for supplemental academic instruction.

14 (c) Each district school board shall include in its
15 annual financial report to the Department of Education the
16 amount of funds the school board transferred from each of the
17 categorical funds identified in this subsection and the
18 specific academic classroom instruction for which the
19 transferred funds were expended. The Department of Education
20 shall provide instructions and specify the format to be used
21 in submitting this required information as a part of the
22 district annual financial report.

23 (6) DETERMINATION OF SPARSITY SUPPLEMENT.--

24 (a) Annually, in an amount to be determined by the
25 Legislature through the General Appropriations Act, there
26 shall be added to the basic amount for current operation of
27 the FEFP qualified districts a sparsity supplement which shall
28 be computed as follows:

29
30 1101.8918

31 Sparsity Factor = 2700 + district - 0.1101

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sparsity

index

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

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

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

3. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment

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1 shall be calculated as the product of the difference between
2 the state average levy value per FTE calculated in
3 subparagraph 2. and the district's levy value per FTE
4 calculated in subparagraph 1. and the district's FTE student
5 count and -1;

6 4. Each district's sparsity supplement allocation
7 shall be calculated by adding the amount calculated as
8 specified in paragraphs (a) and (b) and the wealth adjustment
9 amount calculated in this paragraph.

10 (7) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.--In
11 those districts where there is a decline between prior year
12 and current year unweighted FTE students, 50 percent of the
13 decline in the unweighted FTE students shall be multiplied by
14 the prior year calculated FEFP per unweighted FTE student and
15 shall be added to the allocation for that district. For this
16 purpose, the calculated FEFP shall be computed by multiplying
17 the weighted FTE students by the base student allocation and
18 then by the district cost differential. If a district
19 transfers a program to another institution not under the
20 authority of the district's school board, including a charter
21 technical career center, the decline is to be multiplied by a
22 factor of 0.15.

23 (8) QUALITY ASSURANCE GUARANTEE.--The Legislature may
24 annually in the General Appropriations Act determine a
25 percentage increase in funds per K-12 unweighted FTE as a
26 minimum guarantee to each school district. The guarantee shall
27 be calculated from prior year base funding per unweighted FTE
28 student which shall include the adjusted FTE dollars as
29 provided in subsection (9), quality guarantee funds, and
30 actual nonvoted discretionary local effort from taxes. From
31 the base funding per unweighted FTE, the increase shall be

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1 calculated for the current year. The current year funds from
2 which the guarantee shall be determined shall include the
3 adjusted FTE dollars as provided in subsection (9) and
4 potential nonvoted discretionary local effort from taxes. A
5 comparison of current year funds per unweighted FTE to prior
6 year funds per unweighted FTE shall be computed. For those
7 school districts which have less than the legislatively
8 assigned percentage increase, funds shall be provided to
9 guarantee the assigned percentage increase in funds per
10 unweighted FTE student. Should appropriated funds be less than
11 the sum of this calculated amount for all districts, the
12 commissioner shall prorate each district's allocation. This
13 provision shall be implemented to the extent specifically
14 funded.

15 (9) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
16 FOR CURRENT OPERATION.--The total annual state allocation to
17 each district for current operation for the FEFP shall be
18 distributed periodically in the manner prescribed in the
19 General Appropriations Act.

20 (a) The basic amount for current operation for the
21 FEFP as determined in subsection (1), multiplied by the
22 district cost differential factor as determined in subsection
23 (2), plus the amounts provided for categorical components
24 within the FEFP, plus the amount for the sparsity supplement
25 as determined in subsection (6), the decline in full-time
26 equivalent students as determined in subsection (7), and the
27 quality assurance guarantee as determined in subsection (8),
28 less the required local effort as determined in subsection
29 (4). If the funds appropriated for the purpose of funding the
30 total amount for current operation as provided in this
31 paragraph are not sufficient to pay the state requirement in

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1 full, the department shall prorate the available state funds
2 to each district in the following manner:

3 1. Determine the percentage of proration by dividing
4 the sum of the total amount for current operation, as provided
5 in this paragraph for all districts collectively, and the
6 total district required local effort into the sum of the state
7 funds available for current operation and the total district
8 required local effort.

9 2. Multiply the percentage so determined by the sum of
10 the total amount for current operation as provided in this
11 paragraph and the required local effort for each individual
12 district.

13 3. From the product of such multiplication, subtract
14 the required local effort of each district; and the remainder
15 shall be the amount of state funds allocated to the district
16 for current operation.

17 (b) The amount thus obtained shall be the net annual
18 allocation to each school district. However, if it is
19 determined that any school district received an
20 underallocation or overallocation for any prior year because
21 of an arithmetical error, assessment roll change, full-time
22 equivalent student membership error, or any allocation error
23 revealed in an audit report, the allocation to that district
24 shall be appropriately adjusted. If the Department of
25 Education audit adjustment recommendation is based upon
26 controverted findings of fact, the Commissioner of Education
27 is authorized to establish the amount of the adjustment based
28 on the best interests of the state.

29 (c) The amount thus obtained shall represent the net
30 annual state allocation to each district; however,
31 notwithstanding any of the provisions herein, each district

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1 shall be guaranteed a minimum level of funding in the amount
2 and manner prescribed in the General Appropriations Act.

3 Section 656. Section 1011.64, Florida Statutes, is
4 created to read:

5 1011.64 School district minimum classroom expenditure
6 requirements.--

7 (1) The Legislature may require any school district
8 that fails to meet minimum academic performance standards to
9 increase emphasis on classroom instruction activities from
10 operating funds, including, but not limited to, those provided
11 for the operation of schools pursuant to s. 1011.62.

12 (2) For the purpose of implementing the provisions of
13 this section, the Legislature shall prescribe minimum academic
14 performance standards and minimum classroom expenditure
15 requirements for districts not meeting such minimum academic
16 performance standards in the General Appropriations Act.

17 (a) Minimum academic performance standards may be
18 based on, but are not limited to, district performance grades
19 determined pursuant to s. 1008.34(8).

20 (b) School district minimum classroom expenditure
21 requirements shall be calculated pursuant to subsection (3).

22 (3)(a) Annually the Department of Education shall
23 calculate for each school district:

24 1. Total K-12 operating expenditures, which are
25 defined as the amount of total general fund expenditures for
26 K-12 programs as reported in accordance with the accounts and
27 codes prescribed in the most recent issuance of the Department
28 of Education publication entitled "Financial and Program Cost
29 Accounting and Reporting for Florida Schools" and as included
30 in the most recent annual financial report submitted to the
31 Commissioner of Education, less the student transportation

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1 revenue allocation from the state appropriation for that
2 purpose, amounts transferred to other funds, and increases to
3 the amount of the general fund unreserved ending fund balance
4 when the total unreserved ending fund balance is in excess of
5 5 percent of the total general fund revenues.

6 2. Expenditures for classroom instruction, which shall
7 be the sum of the general fund expenditures for K-12
8 instruction and instructional staff training.

9 (b) The department shall annually calculate for each
10 district, and for the entire state, the percentage of
11 classroom expenditures to total operating expenditures as
12 calculated pursuant to subparagraphs (a)1. and 2.

13 (4) In order for the Department of Education to
14 monitor the implementation of this section, each school
15 district which is required to increase emphasis on classroom
16 activities from operating funds pursuant to subsection (1)
17 shall submit to the department the following two reports in a
18 format determined by the department:

19 (a) An initial report, which shall include the
20 proposed budget actions identified for increased classroom
21 expenditures, a description of how such actions are designed
22 to improve student achievement, and a copy of the published
23 statement required by s. 1011.03(3). This report shall be
24 submitted within 30 days after final budget approval as
25 provided in s. 200.065.

26 (b) A final report, prepared at the end of each fiscal
27 year, which shall include, but is not limited to, information
28 that clearly indicates the degree of each district's
29 compliance or noncompliance with the requirements of this
30 section. If not fully compliant, the district shall include a
31 statement which has been adopted at a public hearing and

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1 signed by the district school superintendent and district
2 school board members, which explains why the requirements of
3 this section have not been met.

4 (c) The department shall provide annual summaries of
5 these two reports to the Governor, the President of the
6 Senate, and the Speaker of the House of Representatives.

7 Section 657. Section 1011.65, Florida Statutes, is
8 created to read:

9 1011.65 Florida Education Finance Program
10 Appropriation Allocation Conference.--Prior to the
11 distribution of any funds appropriated in the General
12 Appropriations Act for the K-12 Florida Education Finance
13 Program formula and for the formula-funded categorical
14 programs, the Commissioner of Education shall conduct an
15 allocation conference. Conference principals shall include
16 representatives of the Department of Education, the Executive
17 Office of the Governor, and the Appropriations Committees of
18 the Senate and the House of Representatives. Conference
19 principals shall discuss and agree to all conventions,
20 including rounding conventions, and methods of computation to
21 be used to calculate Florida Education Finance Program and
22 categorical entitlements of the districts for the fiscal year
23 for which the appropriations are made. These conventions and
24 calculation methods shall remain in effect until further
25 agreements are reached in subsequent allocation conferences
26 called by the commissioner for that purpose. The commissioner
27 shall also, prior to each recalculation of Florida Education
28 Finance Program and categorical allocations of the districts,
29 provide conference principals with all data necessary to
30 replicate those allocations precisely. This data shall include
31 a matrix by district by program of all full-time equivalent

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1 changes made by the department as part of its administration
2 of state full-time equivalent caps.

3 Section 658. Section 1011.66, Florida Statutes, is
4 created to read:

5 1011.66 Distribution of funds in first quarter.--Upon
6 the request of any school district whose net state FEFP
7 funding is less than 60 percent of its gross state and local
8 FEFP funding, the Department of Education shall distribute to
9 that school district in the first quarter of the fiscal year
10 an amount from the funds appropriated for the FEFP in the
11 General Appropriations Act up to a maximum of 15 percent of
12 that school district's gross state and local FEFP funding or
13 that school district's net state FEFP funding, whichever is
14 less.

15 Section 659. Section 1011.67, Florida Statutes, is
16 created to read:

17 1011.67 Funds for instructional materials.--The
18 department is authorized to allocate and distribute to each
19 district an amount as prescribed annually by the Legislature
20 for instructional materials for student membership in basic
21 and special programs in grades K-12, which will provide for
22 growth and maintenance needs. For purposes of this section,
23 unweighted full-time equivalent students enrolled in the lab
24 schools in state universities are to be included as school
25 district students and reported as such to the department. The
26 annual allocation shall be determined as follows:

27 (1) The growth allocation for each school district
28 shall be calculated as follows:

29 (a) Subtract from that district's projected full-time
30 equivalent membership of students in basic and special
31 programs in grades K-12 used in determining the initial

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1 allocation of the Florida Education Finance Program, the prior
2 year's full-time equivalent membership of students in basic
3 and special programs in grades K-12 for that district.

4 (b) Multiply any such increase in full-time equivalent
5 student membership by the allocation for a set of
6 instructional materials, as determined by the department, or
7 as provided for in the General Appropriations Act.

8 (c) The amount thus determined shall be that
9 district's initial allocation for growth for the school year.
10 However, the department shall recompute and adjust the initial
11 allocation based on actual full-time equivalent student
12 membership data for that year.

13 (2) The maintenance of the instructional materials
14 allocation for each school district shall be calculated by
15 multiplying each district's prior year full-time equivalent
16 membership of students in basic and special programs in grades
17 K-12 by the allocation for maintenance of a set of
18 instructional materials as provided for in the General
19 Appropriations Act. The amount thus determined shall be that
20 district's initial allocation for maintenance for the school
21 year; however, the department shall recompute and adjust the
22 initial allocation based on such actual full-time equivalent
23 student membership data for that year.

24 (3) In the event the funds appropriated are not
25 sufficient for the purpose of implementing this section in
26 full, the department shall prorate the funds available for
27 instructional materials after first funding in full each
28 district's growth allocation.

29 Section 660. Section 1011.68, Florida Statutes, is
30 created to read:

31 1011.68 Funds for student transportation.--The annual

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1 allocation to each district for transportation to public
2 school programs, including charter schools as provided in s.
3 1002.33(18)(b), of students in membership in kindergarten
4 through grade 12 and in migrant and exceptional student
5 programs below kindergarten shall be determined as follows:
6 (1) Subject to the rules of the State Board of
7 Education, each district shall determine the membership of
8 students who are transported:
9 (a) By reason of living 2 miles or more from school.
10 (b) By reason of being students with disabilities or
11 enrolled in a teenage parent program, regardless of distance
12 to school.
13 (c) By reason of being in a state prekindergarten
14 program, regardless of distance from school.
15 (d) By reason of being career and technical, dual
16 enrollment, or students with disabilities transported from one
17 school center to another to participate in an instructional
18 program or service; or students with disabilities, transported
19 from one designation to another in the state, provided one
20 designation is a school center and provided the student's
21 individual educational plan (IEP) identifies the need for the
22 instructional program or service and transportation to be
23 provided by the school district. A "school center" is defined
24 as a public school center, community college, state
25 university, or other facility rented, leased, or owned and
26 operated by the school district or another public agency. A
27 "dual enrollment student" is defined as a public school
28 student in membership in both a public secondary school
29 program and a community college or a state university program
30 under a written agreement to partially fulfill ss. 1003.435
31 and 1007.23 and earning full-time equivalent membership under

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1 s. 1011.62(1)(i).

2 (e) With respect to elementary school students whose
3 grade level does not exceed grade 6, by reason of being
4 subjected to hazardous walking conditions en route to or from
5 school as provided in s. 1006.23. Such rules shall, when
6 appropriate, provide for the determination of membership under
7 this paragraph for less than 1 year to accommodate the needs
8 of students who require transportation only until such
9 hazardous conditions are corrected.

10 (f) By reason of being a pregnant student or student
11 parent, and the child of a student parent as provided in s.
12 1003.54, regardless of distance from school.

13 (2) The allocation for each district shall be
14 calculated annually in accordance with the following formula:

15
16 T = B + EX. The elements of this formula are defined as
17 follows: T is the total dollar allocation for transportation.
18 B is the base transportation dollar allocation prorated by an
19 adjusted student membership count. The adjusted membership
20 count shall be derived from a multiplicative index function in
21 which the base student membership is adjusted by multiplying
22 it by index numbers that individually account for the impact
23 of the price level index, average bus occupancy, and the
24 extent of rural population in the district. EX is the base
25 transportation dollar allocation for disabled students
26 prorated by an adjusted disabled student membership count.
27 The base transportation dollar allocation for disabled
28 students is the total state base disabled student membership
29 count weighted for increased costs associated with
30 transporting disabled students and multiplying it by the prior
31 year's average per student cost for transportation. The

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1 adjusted disabled student membership count shall be derived
2 from a multiplicative index function in which the weighted
3 base disabled student membership is adjusted by multiplying it
4 by index numbers that individually account for the impact of
5 the price level index, average bus occupancy, and the extent
6 of rural population in the district. Each adjustment factor
7 shall be designed to affect the base allocation by no more or
8 less than 10 percent.

9 (3) The total allocation to each district for
10 transportation of students shall be the sum of the amounts
11 determined in subsection (2). If the funds appropriated for
12 the purpose of implementing this section are not sufficient to
13 pay the base transportation allocation and the base
14 transportation allocation for disabled students, the
15 Department of Education shall prorate the available funds on a
16 percentage basis. If the funds appropriated for the purpose
17 of implementing this section exceed the sum of the base
18 transportation allocation and the base transportation
19 allocation for disabled students, the base transportation
20 allocation for disabled students shall be limited to the
21 amount calculated in subsection (2), and the remaining balance
22 shall be added to the base transportation allocation.

23 (4) No district shall use funds to purchase
24 transportation equipment and supplies at prices which exceed
25 those determined by the department to be the lowest which can
26 be obtained, as prescribed in s. 1006.27(1).

27 (5) Funds allocated or apportioned for the payment of
28 student transportation services may be used to pay for
29 transportation of students to and from school on local general
30 purpose transportation systems. Student transportation funds
31 may also be used to pay for transportation of students to and

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1 from school in private passenger cars and boats when the
2 transportation is for isolated students, or students with
3 disabilities as defined by rule. Subject to the rules of the
4 State Board of Education, each school district shall determine
5 and report the number of assigned students using general
6 purpose transportation private passenger cars and boats. The
7 allocation per student must be equal to the allocation per
8 student riding a school bus.

9 (6) Notwithstanding other provisions of this section,
10 in no case shall any student or students be counted for
11 transportation funding more than once per day. This provision
12 includes counting students for funding pursuant to trips in
13 school buses, passenger cars, or boats or general purpose
14 transportation.

15 (7) Any funds received by a school district under this
16 section that are not required to transport students may, at
17 the discretion of the district school board, be transferred to
18 the district's Florida Education Finance Program.

19 Section 661. Section 1011.69, Florida Statutes, is
20 created to read:

21 1011.69 Equity in School-Level Funding Act.--

22 (1) This section may be cited as the "Equity in
23 School-Level Funding Act."

24 (2)(a) Beginning in the 2000-2001 fiscal year,
25 district school boards shall allocate to each school within
26 the district at least 50 percent of the funds generated by
27 that school based upon the Florida Education Finance Program
28 as provided in s. 1011.62 and the General Appropriations Act,
29 including gross state and local funds, discretionary lottery
30 funds, and funds from the school district's current operating
31 discretionary millage levy.

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1 (b) Beginning in the 2001-2002 fiscal year, district
2 school boards shall allocate to each school within the
3 district at least 65 percent of the funds generated by that
4 school based upon the Florida Education Finance Program as
5 provided in s. 1011.62 and the General Appropriations Act,
6 including gross state and local funds, discretionary lottery
7 funds, and funds from the school district's current operating
8 discretionary millage levy.

9 (c) Beginning in the 2002-2003 fiscal year, district
10 school boards shall allocate to each school within the
11 district at least 80 percent of the funds generated by that
12 school based upon the Florida Education Finance Program as
13 provided in s. 1011.62 and the General Appropriations Act,
14 including gross state and local funds, discretionary lottery
15 funds, and funds from the school district's current operating
16 discretionary millage levy.

17 (d) Beginning in the 2003-2004 fiscal year, district
18 school boards shall allocate to each school within the
19 district at least 90 percent of the funds generated by that
20 school based upon the Florida Education Finance Program as
21 provided in s. 1011.62 and the General Appropriations Act,
22 including gross state and local funds, discretionary lottery
23 funds, and funds from the school district's current operating
24 discretionary millage levy.

25
26 Total funding for each school shall be recalculated during the
27 year to reflect the revised calculations under the Florida
28 Education Finance Program by the state and the actual weighted
29 full-time equivalent students reported by the school during
30 the full-time equivalent student survey periods designated by
31 the Commissioner of Education. If the district school board is

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1 providing programs or services to students funded by federal
2 funds, any eligible students enrolled in the schools in the
3 district shall be provided federal funds. Only those districts
4 that initially applied for charter school district status,
5 pursuant to s. 1003.62, and have been approved by the State
6 Board of Education are exempt from the provisions of this
7 section.

8 (3) Funds allocated to a school pursuant to this
9 section that are unused at the end of the fiscal year shall
10 not revert to the district, but shall remain with the school.
11 These carryforward funds may be used for any purpose provided
12 by law at the discretion of the principal of the school.

13 (4) Recommendations made by the Governor's Equity in
14 Educational Opportunity Task Force shall be reviewed to
15 identify potential categorical funds to be included in the
16 district allocation methodology required in subsection (2).

17 (5) Funds appropriated in the General Appropriations
18 Act for supplemental academic instruction to be used for the
19 purposes described in s. 1011.62(1)(f) are excluded from the
20 school-level allocation under this section.

21 Section 662. Section 1011.70, Florida Statutes, is
22 created to read:

23 1011.70 Medicaid certified school funding
24 maximization.--

25 (1) Each school district, subject to the provisions of
26 ss. 409.9071 and 409.908(21) and this section, is authorized
27 to certify funds provided for a category of required Medicaid
28 services termed "school-based services," which are
29 reimbursable under the federal Medicaid program. Such services
30 shall include, but not be limited to, physical, occupational,
31 and speech therapy services, behavioral health services,

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1 mental health services, transportation services, Early
2 Periodic Screening, Diagnosis, and Treatment (EPSDT)
3 administrative outreach for the purpose of determining
4 eligibility for exceptional student education, and any other
5 such services, for the purpose of receiving federal Medicaid
6 financial participation. Certified school funding shall not be
7 available for the following services:

8 (a) Family planning.

9 (b) Immunizations.

10 (c) Prenatal care.

11 (2) The Department of Education shall monitor
12 compliance of each participating school district with the
13 Medicaid provider agreements. In addition, the department
14 shall develop standardized recordkeeping procedures for the
15 school districts that meet Medicaid requirements for audit
16 purposes.

17 (3) Each school district's continued participation in
18 certifying funds to be reimbursed for Medicaid expenditures is
19 contingent upon the district providing to the department an
20 annual accounting of how the federal Medicaid reimbursements
21 are utilized.

22 (4) Funds generated pursuant to this section may be
23 used for autism therapy services allowed by federal law.

24 (5) Developmental research schools, as authorized
25 under s. 1002.32, shall be authorized to participate in the
26 Medicaid certified school match program subject to the
27 provisions of subsections (1)-(4) and ss. 409.9071 and
28 409.908(21).

29 Section 663. Section 1011.71, Florida Statutes, is
30 created to read:

31 1011.71 District school tax.--

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1 (1) If the district school tax is not provided in the
2 General Appropriations Act or the substantive bill
3 implementing the General Appropriations Act, each district
4 school board desiring to participate in the state allocation
5 of funds for current operation as prescribed by s. 1011.62(9)
6 shall levy on the taxable value for school purposes of the
7 district, exclusive of millage voted under the provisions of
8 s. 9(b) or s. 12, Art. VII of the State Constitution, a
9 millage rate not to exceed the amount certified by the
10 commissioner as the minimum millage rate necessary to provide
11 the district required local effort for the current year,
12 pursuant to s. 1011.62(4)(a)1. In addition to the required
13 local effort millage levy, each district school board may levy
14 a nonvoted current operating discretionary millage. The
15 Legislature shall prescribe annually in the appropriations act
16 the maximum amount of millage a district may levy. The millage
17 rate prescribed shall exceed zero mills but shall not exceed
18 the lesser of 1.6 mills or 25 percent of the millage which is
19 required pursuant to s. 1011.62(4), exclusive of millage
20 levied pursuant to subsection (2).

21 (2) In addition to the maximum millage levy as
22 provided in subsection (1), each school board may levy not
23 more than 2 mills against the taxable value for school
24 purposes to fund:

25 (a) New construction and remodeling projects, as set
26 forth in s. 1013.64(3)(b) and (6)(b) and included in the
27 district's educational plant survey pursuant to s. 1013.31,
28 without regard to prioritization, sites and site improvement
29 or expansion to new sites, existing sites, auxiliary
30 facilities, athletic facilities, or ancillary facilities.

31 (b) Maintenance, renovation, and repair of existing

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1 school plants or of leased facilities to correct deficiencies
2 pursuant to s. 1013.15(2).

3 (c) The purchase, lease-purchase, or lease of school
4 buses; drivers' education vehicles; motor vehicles used for
5 the maintenance or operation of plants and equipment; security
6 vehicles; or vehicles used in storing or distributing
7 materials and equipment.

8 (d) The purchase, lease-purchase, or lease of new and
9 replacement equipment.

10 (e) Payments for educational facilities and sites due
11 under a lease-purchase agreement entered into by a district
12 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2),
13 not exceeding, in the aggregate, an amount equal to
14 three-fourths of the proceeds from the millage levied by a
15 district school board pursuant to this subsection.

16 (f) Payment of loans approved pursuant to ss. 1011.14
17 and 1011.15.

18 (g) Payment of costs directly related to complying
19 with state and federal environmental statutes, rules, and
20 regulations governing school facilities.

21 (h) Payment of costs of leasing relocatable
22 educational facilities, of renting or leasing educational
23 facilities and sites pursuant to s. 1013.15(2), or of renting
24 or leasing buildings or space within existing buildings
25 pursuant to s. 1013.15(4).

26
27 Violations of these expenditure provisions shall result in an
28 equal dollar reduction in the Florida Education Finance
29 Program (FEFP) funds for the violating district in the fiscal
30 year following the audit citation.

31 (3) These taxes shall be certified, assessed, and

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1 collected as prescribed in s. 1011.04 and shall be expended as
2 provided by law.

3 (4) Nothing in s. 1011.62(4)(a)1. shall in any way be
4 construed to increase the maximum school millage levies as
5 provided for in subsection (1).

6 (5)(a) It is the intent of the Legislature that, by
7 July 1, 2003, revenue generated by the millage levy authorized
8 by subsection (2) should be used only for the costs of
9 construction, renovation, remodeling, maintenance, and repair
10 of the educational plant; for the purchase, lease, or
11 lease-purchase of equipment, educational plants, and
12 construction materials directly related to the delivery of
13 student instruction; for the rental or lease of existing
14 buildings, or space within existing buildings, originally
15 constructed or used for purposes other than education, for
16 conversion to use as educational facilities; for the opening
17 day collection for the library media center of a new school;
18 for the purchase, lease-purchase, or lease of school buses;
19 and for servicing of payments related to certificates of
20 participation issued for any purpose prior to the effective
21 date of this act. Costs associated with the lease-purchase of
22 equipment, educational plants, and school buses may include
23 the issuance of certificates of participation on or after the
24 effective date of this act and the servicing of payments
25 related to certificates so issued. For purposes of this
26 section, "maintenance and repair" is defined in s. 1013.01.

27 (b) For purposes not delineated in paragraph (a) for
28 which proceeds received from millage levied under subsection
29 (2) may be legally expended, a district school board may spend
30 no more than the following percentages of the amount the
31 district spent for these purposes in fiscal year 1995-1996:

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1 1. In fiscal year 2000-2001, 40 percent.

2 2. In fiscal year 2001-2002, 25 percent.

3 3. In fiscal year 2002-2003, 10 percent.

4 (c) Beginning July 1, 2003, revenue generated by the
5 millage levy authorized by subsection (2) must be used only
6 for the purposes delineated in paragraph (a).

7 (d) Notwithstanding any other provision of this
8 subsection, if through its adopted facilities work program a
9 district has clearly identified the need for an ancillary
10 plant, has provided opportunity for public input as to the
11 relative value of the ancillary plant versus an educational
12 plant, and has obtained public approval, the district may use
13 revenue generated by the millage levy authorized by subsection
14 (2) for the construction, renovation, remodeling, maintenance,
15 or repair of an ancillary plant.

16
17 A district that violates these expenditure restrictions shall
18 have an equal dollar reduction in funds appropriated to the
19 district under s. 1011.62 in the fiscal year following the
20 audit citation. The expenditure restrictions do not apply to
21 any school district that certifies to the Commissioner of
22 Education that all of the district's instructional space needs
23 for the next 5 years can be met from capital outlay sources
24 that the district reasonably expects to receive during the
25 next 5 years or from alternative scheduling or construction,
26 leasing, rezoning, or technological methodologies that exhibit
27 sound management.

28 (6) In addition to the maximum millage levied under
29 this section and the General Appropriations Act, a school
30 district may levy, by local referendum or in a general
31 election, additional millage for school operational purposes

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1 up to an amount that, when combined with nonvoted millage
2 levied under this section, does not exceed the 10-mill limit
3 established in s. 9(b), Art. VII of the State Constitution.
4 Any such levy shall be for a maximum of 4 years and shall be
5 counted as part of the 10-mill limit established in s. 9(b),
6 Art. VII of the State Constitution. Millage elections
7 conducted under the authority granted pursuant to this section
8 are subject to s. 1011.73. Funds generated by such additional
9 millage do not become a part of the calculation of the Florida
10 Education Finance Program total potential funds in 2001-2002
11 or any subsequent year and must not be incorporated in the
12 calculation of any hold-harmless or other component of the
13 Florida Education Finance Program formula in any year. If an
14 increase in required local effort, when added to existing
15 millage levied under the 10-mill limit, would result in a
16 combined millage in excess of the 10-mill limit, any millage
17 levied pursuant to this subsection shall be considered to be
18 required local effort to the extent that the district millage
19 would otherwise exceed the 10-mill limit.

20 Section 664. Section 1011.715, Florida Statutes, is
21 created to read:

22 1011.715 Resolution regarding school capital outlay
23 surcharge.--The resolution of a district school board
24 providing for the imposition of the school capital outlay
25 surtax authorized in s. 212.055(6) may include a covenant by
26 the district school board to decrease the capital local school
27 property tax levied pursuant to s. 1011.71(2) and to maintain
28 that tax at the reduced millage as long as the surtax is in
29 effect. The resolution may also provide that the surtax shall
30 sunset on December 31 of any year in which the district school
31 board levies the capital property tax under s. 1011.71(2) at a

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1 millage rate in excess of the reduced millage rate promised in
2 the resolution. Finally, if the surtax revenues are pledged
3 to service bonded indebtedness, the district school board may
4 covenant not to levy the capital property tax under s.
5 1011.71(2) at a millage rate in excess of the reduced millage
6 rate promised in the resolution.

7 Section 665. Section 1011.72, Florida Statutes, is
8 created to read:

9 1011.72 Levy based on interim assessment roll;
10 reimbursement to state for additional taxes collected upon
11 reconciliation of roll.--In any year in which the base student
12 allocation has been guaranteed to school districts through the
13 use of state funds, a school district which levied taxes based
14 on an interim assessment roll shall be required to reimburse
15 the state in an amount equal to the additional taxes collected
16 upon reconciliation of that roll. Beginning with the
17 distribution following the delinquency date of the
18 supplemental bills, the state shall withhold all funds
19 otherwise available to that school district from the
20 appropriation to the Florida Education Finance Program until
21 such time as the state is completely reimbursed.

22 Section 666. Section 1011.73, Florida Statutes, is
23 created to read:

24 1011.73 District millage elections.--

25 (1) MILLAGE AUTHORIZED NOT TO EXCEED TWO YEARS.--The
26 district school board, pursuant to resolution adopted at a
27 regular meeting, shall direct the county commissioners to call
28 an election at which the electors within the school districts
29 may approve an ad valorem tax millage as authorized in s. 9,
30 Art. VII of the State Constitution. Such election may be held
31 at any time, except that not more than one such election shall

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1 be held during any 12-month period. Any millage so authorized
2 shall be levied for a period not in excess of 2 years or until
3 changed by another millage election, whichever is the earlier.
4 In the event any such election is invalidated by a court of
5 competent jurisdiction, such invalidated election shall be
6 considered not to have been held.

7 (2) MILLAGE AUTHORIZED NOT TO EXCEED FOUR YEARS.--The
8 district school board, pursuant to resolution adopted at a
9 regular meeting, shall direct the county commissioners to call
10 an election at which the electors within the school district
11 may approve an ad valorem tax millage as authorized under s.
12 1011.71(6). Such election may be held at any time, except that
13 not more than one such election shall be held during any
14 12-month period. Any millage so authorized shall be levied for
15 a period not in excess of 4 years or until changed by another
16 millage election, whichever is earlier. If any such election
17 is invalidated by a court of competent jurisdiction, such
18 invalidated election shall be considered not to have been
19 held.

20 (3) HOLDING ELECTIONS.--All school district millage
21 elections shall be held and conducted in the manner prescribed
22 by law for holding general elections, except as provided in
23 this chapter.

24 (4) FORM OF BALLOT.--

25 (a) The district school board may propose a single
26 millage or two millages, with one for operating expenses and
27 another for a local capital improvement reserve fund. When two
28 millage figures are proposed, each millage must be voted on
29 separately.

30 (b) The district school board shall provide the
31 wording of the substance of the measure and the ballot title

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1 in the resolution calling for the election. The wording of the
2 ballot must conform to the provisions of s. 101.161.

3 (5) QUALIFICATION OF ELECTORS.--All qualified electors
4 of the school district are entitled to vote in the election to
5 set the school tax district millage levy.

6 (6) RESULTS OF ELECTION.--When the district school
7 board proposes one tax levy for operating expenses and another
8 for the local capital improvement reserve fund, the results
9 shall be considered separately. The tax levy shall be levied
10 only in case a majority of the electors participating in the
11 election vote in favor of the proposed special millage.

12 (7) EXPENSES OF ELECTION.--The cost of the publication
13 of the notice of the election and all expenses of the election
14 in the school district shall be paid by the district school
15 board.

16 Section 667. Section 1011.74, Florida Statutes, is
17 created to read:

18 1011.74 Source and use of district capital improvement
19 fund.--The district capital improvement fund shall consist of
20 funds derived from the sale of school district bonds
21 authorized in s. 17, Art. XII of the State Constitution of
22 1885 as amended, together with any other funds directed to be
23 placed therein by rules of the State Board of Education, and
24 other similar funds which are to be used for capital outlay
25 purposes within the district.

26 Section 668. Section 1011.75, Florida Statutes, is
27 created to read:

28 1011.75 Gifted education exemplary program grants.--

29 (1) This section shall be known and may be cited as
30 the "Challenge Grant Program for the Gifted."

31 (2) There is hereby created a grant program for

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1 education for the gifted which shall be administered by the
2 Commissioner of Education in cooperation and consultation with
3 appropriate organizations and associations concerned with
4 education for the gifted and pursuant to rules adopted by the
5 State Board of Education. The program may be implemented in
6 any public school.

7 (3) Pursuant to policies and rules to be adopted by
8 the State Board of Education, each district school board, two
9 or more district school boards in cooperation, or a public
10 school principal through the district school board may submit
11 to the commissioner a proposed program designed to effectuate
12 an exemplary program for education for the gifted in a school,
13 district, or group of districts. Consideration for funding
14 shall be given to proposed programs of district school boards
15 that are developed with the cooperation of a community college
16 or public or private college or university for the purpose of
17 providing advanced accelerated instruction for public school
18 students pursuant to s. 1003.435. In order to be approved, a
19 program proposal must include:

20 (a) Clearly stated goals and objectives expressed, to
21 the maximum extent possible, in measurable terms.

22 (b) Information concerning the number of students,
23 teachers, and other personnel to be involved in the program.

24 (c) The estimated cost of the program and the number
25 of years for which it is to be funded.

26 (d) Provisions for evaluation of the program and for
27 its integration into the general curriculum and financial
28 program of the school district or districts at the end of the
29 funded period.

30 (e) Such other information and provisions as the
31 commissioner requires.

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1 (4) The commissioner shall review and approve,
2 disapprove, or resubmit for modification all proposed programs
3 for education for the gifted submitted. For those programs
4 approved, the commissioner shall authorize distribution of
5 funds equal to the cost of the program from funds appropriated
6 to the Department of Education for exemplary program grants
7 for education for the gifted as provided for by this section.
8 These funds shall be in addition to any funds for education
9 for the gifted provided pursuant to s. 1011.62.

10 Section 669. Section 1011.76, Florida Statutes, is
11 created to read:

12 1011.76 Small School District Stabilization Program.--

13 (1) There is created the Small School District
14 Stabilization Program to assist school districts in rural
15 communities that document economic conditions or other
16 significant community influences that negatively impact the
17 school district. The purpose of the program is to provide
18 technical assistance and financial support to maintain the
19 stability of the educational program in the school district. A
20 rural community means a county with a population of 75,000 or
21 less; or a county with a population of 100,000 or less that is
22 contiguous to a county with a population of 75,000 or less.

23 (2) In order to participate in this program, a school
24 district must be located in a rural area of critical economic
25 concern designated by the Executive Office of the Governor,
26 and the district school board must submit a resolution to the
27 Office of Tourism, Trade, and Economic Development requesting
28 participation in the program. A rural area of critical
29 economic concern must be a rural community, or a region
30 composed of such, that has been adversely affected by an
31 extraordinary economic event or a natural disaster or that

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1 presents a unique economic development concern or opportunity
2 of regional impact. The resolution must be accompanied with
3 documentation of the economic conditions in the community,
4 provide information indicating the negative impact of these
5 conditions on the school district's financial stability, and
6 the school district must participate in a best financial
7 management practices review to determine potential
8 efficiencies that could be implemented to reduce program costs
9 in the district.

10 (3) The Office of Tourism, Trade, and Economic
11 Development, in consultation with the Department of Education,
12 shall review the resolution and other information required by
13 subsection (2) and determine whether the school district is
14 eligible to participate in the program. Factors influencing
15 the office's determination may include, but are not limited
16 to, reductions in the county tax roll resulting from business
17 closures or other causes, or a reduction in student enrollment
18 due to business closures or impacts in the local economy.

19 (4) Effective July 1, 2000, and thereafter, when the
20 Office of Tourism, Trade, and Economic Development authorizes
21 a school district to participate in the program, the
22 Legislature may give priority to that district for a best
23 financial management practices review in the school district,
24 subject to approval pursuant to s. 1008.35(7), to the extent
25 that funding is provided annually for such purpose in the
26 General Appropriations Act. The scope of the review shall be
27 as set forth in s. 1008.35.

28 (5) Effective July 1, 2000, and thereafter, the
29 Department of Education may award the school district a
30 stabilization grant intended to protect the district from
31 continued financial reductions. The amount of the grant will

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1 be determined by the Department of Education and may be
2 equivalent to the amount of the decline in revenues projected
3 for the next fiscal year. In addition, the Office of Tourism,
4 Trade, and Economic Development may implement a rural economic
5 development initiative to identify the economic factors that
6 are negatively impacting the community and may consult with
7 Enterprise Florida, Inc., in developing a plan to assist the
8 county with its economic transition. The grant will be
9 available to the school district for a period of up to 5 years
10 to the extent that funding is provided for such purpose in the
11 General Appropriations Act.

12 (6) Based on the availability of funds, the Office of
13 Tourism, Trade, and Economic Development or the Department of
14 Education may enter into contracts or issue grants necessary
15 to implement the program.

16 Section 670. Section 1011.765, Florida Statutes, is
17 created to read:

18 1011.765 Florida Academic Improvement Trust Fund
19 matching grants.--

20 (1) MATCHING GRANTS.--The Florida Academic Improvement
21 Trust Fund shall be utilized to provide matching grants to the
22 Florida School for the Deaf and the Blind Endowment Fund and
23 to any public school district education foundation that meets
24 the requirements of this section and is recognized by the
25 local school district as its designated K-12 education
26 foundation.

27 (a) The State Board of Education shall adopt rules for
28 the administration, submission, documentation, evaluation, and
29 approval of requests for matching funds and for maintaining
30 accountability for matching funds.

31 (b) Donations, state matching funds, or proceeds from

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1 endowments established pursuant to this section shall be used
2 at the discretion of the public school district education
3 foundation or the Florida School for the Deaf and the Blind
4 for academic achievement within the school district or school,
5 and shall not be expended for the construction of facilities
6 or for the support of interscholastic athletics. No public
7 school district education foundation or the Florida School for
8 the Deaf and the Blind shall accept or purchase facilities for
9 which the state will be asked for operating funds unless the
10 Legislature has granted prior approval for such acquisition.

11 (2) ALLOCATION OF THE TRUST FUND.--Funds appropriated
12 to the Florida Academic Improvement Trust Fund shall be
13 allocated by the Department of Education in the following
14 manner:

15 (a) For every year in which there is a legislative
16 appropriation to the trust fund, an equal amount of the annual
17 appropriation, to be determined by dividing the total
18 legislative appropriation by the number of local education
19 foundations as well as the Florida School for the Deaf and the
20 Blind, must be reserved for each public school district
21 education foundation and the Florida School for the Deaf and
22 the Blind Endowment Fund to provide each foundation and the
23 Florida School for the Deaf and the Blind with an opportunity
24 to receive and match appropriated funds. Trust funds that
25 remain unmatched by contribution on April 1 of any year shall
26 be made available for matching by any public school district
27 education foundation and by the Florida School for the Deaf
28 and the Blind which shall have an opportunity to apply for
29 excess trust funds prior to the award of such funds.

30 (b) Matching grants shall be proportionately allocated
31 from the trust fund on the basis of matching each \$4 of state

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1 funds with \$6 of private funds. To be eligible for matching, a
2 minimum of \$4,500 must be raised from private sources.

3 (c) Funds sufficient to provide the match shall be
4 transferred from the state trust fund to the public school
5 education foundation or to the Florida School for the Deaf and
6 the Blind Endowment Fund upon notification that a
7 proportionate amount has been received and deposited by the
8 foundation or school into its own trust fund.

9 (d) If the total of the amounts to be distributed in
10 any quarter pursuant to this subsection exceeds the amount of
11 funds remaining from specific appropriations made for the
12 implementation of this section, all grants shall be
13 proportionately reduced so that the total of matching grants
14 distributed does not exceed available appropriations.

15 (3) GRANT ADMINISTRATION.--

16 (a) Each public school district education foundation
17 and the Florida School for the Deaf and the Blind
18 participating in the Florida Academic Improvement Trust Fund
19 shall separately account for all funds received pursuant to
20 this section, and may establish its own academic improvement
21 trust fund as a depository for the private contributions,
22 state matching funds, and earnings on investments of such
23 funds. State matching funds shall be transferred to the public
24 school district education foundation or to the Florida School
25 for the Deaf and the Blind Endowment Fund upon notification
26 that the foundation or school has received and deposited
27 private contributions that meet the criteria for matching as
28 provided in this section. The public school district education
29 foundations and the Florida School for the Deaf and the Blind
30 are responsible for the maintenance, investment, and
31 administration of their academic improvement trust funds.

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1 (b) The public school district education foundations
2 and the Florida School for the Deaf and the Blind shall be
3 responsible for soliciting and receiving contributions to be
4 deposited and matched with grants for academic achievement
5 within the school district or school.

6 (c) Each public school district education foundation
7 and the Florida School for the Deaf and the Blind shall be
8 responsible for proper expenditure of the funds received
9 pursuant to this section.

10 Section 671. Section 1011.77, Florida Statutes, is
11 created to read:

12 1011.77 Special laws and general laws of local
13 application prohibited.--

14 (1) Pursuant to s. 11(a)(21), Art. III of the State
15 Constitution, the Legislature hereby prohibits special laws
16 and general laws of local application pertaining to:

17 (a) The assessment or collection of taxes for school
18 purposes insofar as it may affect the distribution of state
19 funds, including the determination of millages therefor, the
20 extension of time therefor, relief of tax officers from due
21 performance of their duties, and relief of their sureties from
22 liability.

23 (b) The Florida Education Finance Program as enacted
24 in 1973 or as subsequently amended.

25 (2) The department shall determine whether any
26 district has received additional funds subsequent to June 30,
27 1973, as a result of any special law or general law of local
28 application described in subsection (1) and shall deduct an
29 amount equal to any such additional funds from allocations to
30 that district.

31 Section 672. Part III of chapter 1011, Florida

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1 Statutes, shall be entitled "Funding for Workforce Education"
2 and shall consist of ss. 1011.80-1011.801.

3 Section 673. Section 1011.80, Florida Statutes, is
4 created to read:

5 1011.80 Funds for operation of adult technical
6 education programs.--

7 (1) As used in this section, the terms "workforce
8 development education" and "workforce development program"
9 include:

10 (a) Adult general education programs designed to
11 improve the employability skills of the state's workforce as
12 defined in s. 1004.02(5).

13 (b) Career and technical certificate programs, as
14 defined in s. 1004.02(23).

15 (c) Applied technology diploma programs.

16 (d) Continuing workforce education courses.

17 (e) Degree technical education programs.

18 (f) Apprenticeship and preapprenticeship programs as
19 defined in s. 446.021.

20 (2) Any workforce development education program may be
21 conducted by a community college or a school district, except
22 that college credit in an associate in applied science or an
23 associate in science degree may be awarded only by a community
24 college. However, if an associate in applied science or an
25 associate in science degree program contains within it an
26 occupational completion point that confers a certificate or an
27 applied technology diploma, that portion of the program may be
28 conducted by a school district technical center. Any
29 instruction designed to articulate to a degree program is
30 subject to guidelines and standards adopted by the State Board
31 of Education pursuant to s. 1007.25.

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1 (3) If a program for disabled adults pursuant to s.
2 1004.93 is a workforce development program as defined in law,
3 it must be funded as provided in this section.

4 (4) The Florida Workforce Development Education Fund
5 is created to provide performance-based funding for all
6 workforce development programs, whether the programs are
7 offered by a school district or a community college. Funding
8 for all workforce development education programs must be from
9 the Workforce Development Education Fund and must be based on
10 cost categories, performance output measures, and performance
11 outcome measures.

12 (a) The cost categories must be calculated to identify
13 high-cost programs, medium-cost programs, and low-cost
14 programs. The cost analysis used to calculate and assign a
15 program of study to a cost category must include at least both
16 direct and indirect instructional costs, consumable supplies,
17 equipment, and standard program length.

18 (b)1. The performance output measure for career and
19 technical education programs of study is student completion of
20 a career and technical program of study that leads to an
21 occupational completion point associated with a certificate;
22 an apprenticeship program; or a program that leads to an
23 applied technology diploma or an associate in applied science
24 or associate in science degree. Performance output measures
25 for registered apprenticeship programs shall be based on
26 program lengths that coincide with lengths established
27 pursuant to the requirements of chapter 446.

28 2. The performance output measure for an adult general
29 education course of study is measurable improvement in student
30 skills. This measure shall include improvement in literacy
31 skills, grade level improvement as measured by an approved

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1 test, or attainment of a State of Florida diploma or an adult
2 high school diploma.

3 (c) The performance outcome measures for programs
4 funded through the Workforce Development Education Fund are
5 associated with placement and retention of students after
6 reaching a completion point or completing a program of study.
7 These measures include placement or retention in employment
8 that is related to the program of study; placement into or
9 retention in employment in an occupation on the Workforce
10 Estimating Conference list of high-wage, high-skill
11 occupations with sufficient openings, or other High Wage/High
12 Skill Program occupations as determined by Workforce Florida,
13 Inc.; and placement and retention of participants or former
14 participants in the welfare transition program in employment.
15 Continuing postsecondary education at a level that will
16 further enhance employment is a performance outcome for adult
17 general education programs. Placement and retention must be
18 reported pursuant to ss. 1008.39 and 1008.43.

19 (5) State funding and student fees for workforce
20 development instruction funded through the Workforce
21 Development Education Fund shall be established as follows:

22 (a) For a continuing workforce education course, state
23 funding shall equal 50 percent of the cost of instruction,
24 with student fees, business support, quick-response training
25 funds, or other means making up the remaining 50 percent.

26 (b) For all other workforce development education
27 funded through the Workforce Development Education Fund, state
28 funding shall equal 75 percent of the average cost of
29 instruction with the remaining 25 percent made up from student
30 fees. Fees for courses within a program shall not vary
31 according to the cost of the individual program, but instead

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1 shall be based on a uniform fee calculated and set at the
2 state level, as adopted by the State Board of Education,
3 unless otherwise specified in the General Appropriations Act.

4 (c) For fee-exempt students pursuant to s. 1009.25,
5 unless otherwise provided for in law, state funding shall
6 equal 100 percent of the average cost of instruction.

7 (6)(a) A school district or a community college that
8 provides workforce development education funded through the
9 Workforce Development Education Fund shall receive funds in
10 accordance with distributions for base and performance funding
11 established by the Legislature in the General Appropriations
12 Act, pursuant to the following conditions:

13 1. Base funding shall not exceed 85 percent of the
14 current fiscal year total Workforce Development Education Fund
15 allocation, which shall be distributed by the Legislature in
16 the General Appropriations Act based on a maximum of 85
17 percent of the institution's prior year total allocation from
18 base and performance funds.

19 2. Performance funding shall be at least 15 percent of
20 the current fiscal year total Workforce Development Education
21 Fund allocation, which shall be distributed by the Legislature
22 in the General Appropriations Act based on the previous fiscal
23 year's achievement of output and outcomes in accordance with
24 formulas adopted pursuant to subsection (9). Performance
25 funding must incorporate payments for at least three levels of
26 placements that reflect wages and workforce demand. Payments
27 for completions must not exceed 60 percent of the payments for
28 placement. School districts and community colleges shall be
29 awarded funds pursuant to this paragraph based on performance
30 output data and performance outcome data available in that
31 year.

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1 3. If a local educational agency achieves a level of
2 performance sufficient to generate a full allocation as
3 authorized by the workforce development funding formula, the
4 agency may earn performance incentive funds as appropriated
5 for that purpose in a General Appropriations Act. If
6 performance incentive funds are funded and awarded, these
7 funds must be added to the local educational agency's prior
8 year total allocation from the Workforce Development Education
9 Fund and shall be used to calculate the following year's base
10 funding.

11 (b) A program is established to assist school
12 districts and community colleges in responding to the needs of
13 new and expanding businesses and thereby strengthening the
14 state's workforce and economy. The program may be funded in
15 the General Appropriations Act. A school district or community
16 college may expend funds under the program without regard to
17 performance criteria set forth in subparagraph (a)2. The
18 district or community college shall use the program to provide
19 customized training for businesses which satisfies the
20 requirements of s. 288.047. Business firms whose employees
21 receive the customized training must provide 50 percent of the
22 cost of the training. Balances remaining in the program at the
23 end of the fiscal year shall not revert to the general fund,
24 but shall be carried over for 1 additional year and used for
25 the purpose of serving incumbent worker training needs of area
26 businesses with fewer than 100 employees. Priority shall be
27 given to businesses that must increase or upgrade their use of
28 technology to remain competitive.

29 (7) A school district or community college that earns
30 performance funding must use the money to benefit the
31 postsecondary adult and technical education programs it

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1 provides. The money may be used for equipment upgrades,
2 program expansions, or any other use that would result in
3 workforce development program improvement. The district school
4 board or community college board of trustees may not withhold
5 any portion of the performance funding for indirect costs.
6 Notwithstanding s. 216.351, funds awarded pursuant to this
7 section may be carried across fiscal years and shall not
8 revert to any other fund maintained by the district school
9 board or community college board of trustees.

10 (8) The State Board of Education and Workforce
11 Florida, Inc., shall provide the Legislature with recommended
12 formulas, criteria, timeframes, and mechanisms for
13 distributing performance funds. The commissioner shall
14 consolidate the recommendations and develop a consensus
15 proposal for funding. The Legislature shall adopt a formula
16 and distribute the performance funds to the State Board of
17 Education for community colleges and school districts through
18 the General Appropriations Act. These recommendations shall be
19 based on formulas that would discourage low-performing or
20 low-demand programs and encourage through performance-funding
21 awards:

22 (a) Programs that prepare people to enter high-wage
23 occupations identified by the Workforce Estimating Conference
24 created by s. 216.136 and other programs as approved by
25 Workforce Florida, Inc. At a minimum, performance incentives
26 shall be calculated for adults who reach completion points or
27 complete programs that lead to specified high-wage employment
28 and to their placement in that employment.

29 (b) Programs that successfully prepare adults who are
30 eligible for public assistance, economically disadvantaged,
31 disabled, not proficient in English, or dislocated workers for

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1 high-wage occupations. At a minimum, performance incentives
2 shall be calculated at an enhanced value for the completion of
3 adults identified in this paragraph and job placement of such
4 adults upon completion. In addition, adjustments may be made
5 in payments for job placements for areas of high unemployment.

6 (c) Programs that are specifically designed to be
7 consistent with the workforce needs of private enterprise and
8 regional economic development strategies, as defined in
9 guidelines set by Workforce Florida, Inc. Workforce Florida,
10 Inc., shall develop guidelines to identify such needs and
11 strategies based on localized research of private employers
12 and economic development practitioners.

13 (d) Programs identified by Workforce Florida, Inc., as
14 increasing the effectiveness and cost efficiency of education.

15 (9) A high school student dually enrolled under s.
16 1007.271 in a workforce development program funded through the
17 Workforce Development Education Fund and operated by a
18 community college or school district technical center
19 generates the amount calculated by the Workforce Development
20 Education Fund, including any payment of performance funding,
21 and the proportional share of full-time equivalent enrollment
22 generated through the Florida Education Finance Program for
23 the student's enrollment in a high school. If a high school
24 student is dually enrolled in a community college program,
25 including a program conducted at a high school, the community
26 college earns the funds generated through the Workforce
27 Development Education Fund and the school district earns the
28 proportional share of full-time equivalent funding from the
29 Florida Education Finance Program. If a student is dually
30 enrolled in a technical center operated by the same district
31 as the district in which the student attends high school, that

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1 district earns the funds generated through the Workforce
2 Development Education Fund and also earns the proportional
3 share of full-time equivalent funding from the Florida
4 Education Finance Program. If a student is dually enrolled in
5 a workforce development program provided by a technical center
6 operated by a different school district, the funds must be
7 divided between the two school districts proportionally from
8 the two funding sources. A student may not be reported for
9 funding in a dual enrollment workforce development program
10 unless the student has completed the basic skills assessment
11 pursuant to s. 1004.91.

12 (10) The State Board of Education may adopt rules to
13 administer this section.

14 Section 674. Section 1011.801, Florida Statutes, is
15 created to read:

16 1011.801 Workforce Development Capitalization
17 Incentive Grant Program.--The Legislature recognizes that the
18 need for school districts and community colleges to be able to
19 respond to emerging local or statewide economic development
20 needs is critical to the workforce development system. The
21 Workforce Development Capitalization Incentive Grant Program
22 is created to provide grants to school districts and community
23 colleges on a competitive basis to fund some or all of the
24 costs associated with the creation or expansion of workforce
25 development programs that serve specific employment workforce
26 needs.

27 (1) Funds awarded for a workforce development
28 capitalization incentive grant may be used for instructional
29 equipment, laboratory equipment, supplies, personnel, student
30 services, or other expenses associated with the creation or
31 expansion of a workforce development program. Expansion of a

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1 program may include either the expansion of enrollments in a
2 program or expansion into new areas of specialization within a
3 program. No grant funds may be used for recurring
4 instructional costs or for institutions' indirect costs.

5 (2) The State Board of Education shall accept
6 applications from school districts or community colleges for
7 workforce development capitalization incentive grants.
8 Applications from school districts or community colleges shall
9 contain projected enrollments and projected costs for the new
10 or expanded workforce development program. The State Board of
11 Education, in consultation with the Workforce Florida, Inc.,
12 shall review and rank each application for a grant according
13 to subsection (3) and shall submit to the Legislature a list
14 in priority order of applications recommended for a grant
15 award.

16 (3) The State Board of Education shall give highest
17 priority to programs that train people to enter high-skill,
18 high-wage occupations identified by the Workforce Estimating
19 Conference and other programs approved by Workforce Florida,
20 Inc.; programs that train people to enter occupations under
21 the welfare transition program; or programs that train for the
22 workforce adults who are eligible for public assistance,
23 economically disadvantaged, disabled, not proficient in
24 English, or dislocated workers. The State Board of Education
25 shall consider the statewide geographic dispersion of grant
26 funds in ranking the applications and shall give priority to
27 applications from education agencies that are making maximum
28 use of their workforce development funding by offering
29 high-performing, high-demand programs.

30 Section 675. Part IV of chapter 1011, Florida
31 Statutes, shall be entitled "Funding for Community Colleges"

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1 and shall consist of ss. 1011.81-1011.86.

2 Section 676. Section 1011.81, Florida Statutes, is
3 created to read:

4 1011.81 Community College Program Fund.--There is
5 established a Community College Program Fund. This fund shall
6 comprise all appropriations made by the Legislature for the
7 support of the current operating program and shall be
8 apportioned and distributed to the community college districts
9 of the state on the basis of procedures established by law and
10 rules of the State Board of Education. The annual
11 apportionment for each community college district shall be
12 distributed monthly in payments as nearly equal as possible.

13 Section 677. Section 1011.82, Florida Statutes, is
14 created to read:

15 1011.82 Requirements for participation in Community
16 College Program Fund.--Each community college district which
17 participates in the state appropriations for the Community
18 College Program Fund shall provide evidence of its effort to
19 maintain an adequate community college program which shall:

20 (1) Meet the minimum standards prescribed by the State
21 Board of Education in accordance with s. 1001.02(9).

22 (2) Effectively fulfill the mission of the community
23 colleges in accordance with s. 1004.65.

24 Section 678. Section 1011.83, Florida Statutes, is
25 created to read:

26 1011.83 Financial support of community colleges.--Each
27 community college that has been approved by the Department of
28 Education and meets the requirements of law and rules of the
29 State Board of Education shall participate in the community
30 college program fund. However, funds to support workforce
31 development programs conducted by community colleges shall be

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1 provided by the Workforce Development Education Fund pursuant
2 to s. 1011.80.

3 Section 679. Section 1011.84, Florida Statutes, is
4 created to read:

5 1011.84 Procedure for determining state financial
6 support and annual apportionment of state funds to each
7 community college district.--The procedure for determining
8 state financial support and the annual apportionment to each
9 community college district authorized to operate a community
10 college under the provisions of s. 1001.61 shall be as
11 follows:

12 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE
13 COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING
14 PROGRAM.--

15 (a) The Department of Education shall determine
16 annually from an analysis of operating costs, prepared in the
17 manner prescribed by rules of the State Board of Education,
18 the costs per full-time equivalent student served in courses
19 and fields of study offered in community colleges. This
20 information and current college operating budgets shall be
21 submitted to the Executive Office of the Governor with the
22 legislative budget request prior to each regular session of
23 the Legislature.

24 (b) The allocation of funds for community colleges
25 shall be based on advanced and professional disciplines,
26 college-preparatory programs, and other programs for adults
27 funded pursuant to s. 1011.80.

28 (c) The category of lifelong learning is for students
29 enrolled pursuant to s. 1004.93. A student shall also be
30 reported as a lifelong learning student for his or her
31 enrollment in any course that he or she has previously taken,

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1 unless it is a credit course in which the student earned a
2 grade of D or F.

3 (d) If an adult student has been determined to be a
4 disabled student eligible for an approved educational program
5 for disabled adults provided pursuant to s. 1004.93 and rules
6 of the State Board of Education and is enrolled in a class
7 with curriculum frameworks developed for the program, state
8 funding for that student shall be provided at a level double
9 that of a student enrolled in a special adult general
10 education program provided by a community college.

11 (e) The State Board of Education shall adopt rules to
12 implement s. 9(d)(8)f., Art. XII of the State Constitution.
13 These rules shall provide for the use of the funds available
14 under s. 9(d)(8)f., Art. XII by an individual community
15 college for operating expense in any fiscal year during which
16 the State Board of Education has determined that all major
17 capital outlay needs have been met. Highest priority for the
18 use of these funds for purposes other than financing approved
19 capital outlay projects shall be for the proper maintenance
20 and repair of existing facilities for projects approved by the
21 State Board of Education. However, in any fiscal year in which
22 funds from this source are authorized for operating expense
23 other than approved maintenance and repair projects, the
24 allocation of community college program funds shall be reduced
25 by an amount equal to the sum used for such operating expense
26 for that community college that year, and that amount shall
27 not be released or allocated among the other community
28 colleges that year.

29 (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL
30 OUTLAY AND DEBT SERVICE.--The amount included for capital
31 outlay and debt service shall be as determined and provided in

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1 s. 18, Art. XII of the State Constitution of 1885, as adopted
2 by s. 9(d), Art. XII of the 1968 revised State Constitution
3 and State Board of Education rules.

4 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.--

5 (a) By December 15 of each year, the Department of
6 Education shall estimate the annual enrollment of each
7 community college for the current fiscal year and for the 6
8 subsequent fiscal years. These estimates shall be based upon
9 prior years' enrollments, upon the initial fall term
10 enrollments for the current fiscal year for each college, and
11 upon each college's estimated current enrollment and
12 demographic changes in the respective community college
13 districts.

14 (b) The apportionment to each community college from
15 the Community College Program Fund shall be determined
16 annually in the General Appropriations Act. In determining
17 each college's apportionment, the Legislature shall consider
18 the following components:

19 1. Base budget, which includes the state appropriation
20 to the Community College Program Fund in the current year plus
21 the related student tuition and out-of-state fees assigned in
22 the current General Appropriations Act.

23 2. The cost-to-continue allocation, which consists of
24 incremental changes to the base budget, including salaries,
25 price levels, and other related costs allocated through a
26 funding model approved by the Legislature which may recognize
27 differing economic factors arising from the individual
28 educational approaches of the various community colleges,
29 including, but not limited to:

30 a. Direct Instructional Funding, including class size,
31 faculty productivity factors, average faculty salary, ratio of

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1 full-time to part-time faculty, costs of programs, and
2 enrollment factors.
3 b. Academic Support, including small colleges factor,
4 multicampus factor, and enrollment factor.
5 c. Student Services Support, including headcount of
6 students as well as FTE count and enrollment factors.
7 d. Library Support, including volume and other
8 materials/audiovisual requirements.
9 e. Special Projects.
10 f. Operations and Maintenance of Plant, including
11 square footage and utilization factors.
12 g. District Cost Differential.
13 3. Students enrolled in a recreation and leisure
14 program and students enrolled in a lifelong learning program
15 who may not be counted as full-time equivalent enrollments for
16 purposes of enrollment workload adjustments.
17 4. Operating costs of new facilities adjustments,
18 which shall be provided, from funds available, for each new
19 facility that is owned by the college and is recommended in
20 accordance with s. 1013.31.
21 5. New and improved program enhancements, which shall
22 be determined by the Legislature.
23
24 Student fees in the base budget plus student fee revenues
25 generated by increases in fee rates shall be deducted from the
26 sum of the components determined in subparagraphs 1.-5. The
27 amount remaining shall be the net annual state apportionment
28 to each college.
29 (c) No community college shall commit funds for the
30 employment of personnel or resources in excess of those
31 required to continue the same level of support for either the

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1 previously approved enrollment or the revised enrollment,
2 whichever is lower.

3 (d) The apportionment to each community college
4 district for capital outlay and debt service shall be the
5 amount determined in accordance with subsection (2). This
6 amount, less any amount determined as necessary for
7 administrative expense by the State Board of Education and any
8 amount necessary for debt service on bonds issued by the State
9 Board of Education, shall be transmitted to the community
10 college board of trustees to be expended in a manner
11 prescribed by rules of the State Board of Education.

12 (e) If at any time the unencumbered balance in the
13 general fund of the community college board of trustees
14 approved operating budget goes below 5 percent, the president
15 shall provide written notification to the State Board of
16 Education.

17 (f) Expenditures for apprenticeship programs shall be
18 reported separately.

19 (4) EXPENDITURE OF ALLOCATED FUNDS.--Any funds
20 allocated herein to any community college shall be expended
21 only for the purpose of supporting that community college.

22 (5) REPORT OF REMEDIAL EDUCATION.--Each community
23 college board of trustees shall report the volume and cost of
24 remedial education activities as a separate item in its annual
25 cost accounting system.

26 Section 680. Section 1011.85, Florida Statutes, is
27 created to read:

28 1011.85 Dr. Philip Benjamin Matching Grant Program for
29 Community Colleges.--

30 (1) There is created the Dr. Philip Benjamin Matching
31 Grant Program for Community Colleges as a single matching

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1 gifts program that encompasses the goals originally set out in
2 the Academic Improvement Program, the Scholarship Matching
3 Program, and the Health Care Education Quality Enhancement
4 Challenge Grant. The program shall be administered according
5 to rules of the State Board of Education and used to encourage
6 private support in enhancing community colleges by providing
7 the community college system with the opportunity to receive
8 and match challenge grants. Funds received prior to the
9 effective date of this act for each of the three programs
10 shall be retained in the separate account for which it was
11 designated.

12 (2) Each community college board of trustees receiving
13 state appropriations under this program shall approve each
14 gift to ensure alignment with the unique mission of the
15 community college. The board of trustees must link all
16 requests for a state match to the goals and mission statement.
17 The Florida Community College Foundation Board receiving state
18 appropriations under this program shall approve each gift to
19 ensure alignment with its goals and mission statement.

20 (3) Upon approval by the community college board of
21 trustees and the State Board of Education, the ordering of
22 donations for priority listing of unmatched gifts should be
23 determined by the submitting community college.

24 (4) Each year, eligible contributions received by a
25 community college's foundation or the State Board of Education
26 by February 1 shall be eligible for state matching funds.

27 (a) Each community college board of trustees and, when
28 applicable, the Florida Community College Foundation Board,
29 receiving state appropriations under this program shall also
30 certify in an annual report to the State Board of Education
31 the receipt of eligible cash contributions that were

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1 previously unmatched by the state. The State Board of
2 Education shall adopt rules providing all community colleges
3 with an opportunity to apply for excess funds before the
4 awarding of such funds.

5 (b) Community colleges must submit to the State Board
6 of Education an annual expenditure report tracking the use of
7 all matching funds.

8 (c) The audit of each foundation receiving state funds
9 from this program must include a certification of accuracy in
10 the amount reported for matching funds.

11 (5) The matching ratio for donations that are
12 specifically designated to support scholarships, student
13 loans, or need-based grants shall be \$1 of state funds to \$1
14 of local private funds.

15 (6) Otherwise, funds shall be proportionately
16 allocated to the community colleges on the basis of matching
17 each \$6 of local or private funds with \$4 of state funds. To
18 be eligible, a minimum of \$4,500 must be raised from private
19 sources.

20 (7) The community college board of trustees, in
21 conjunction with the donor, shall make the determination of
22 whether scholarships established pursuant to this program are
23 endowed.

24 (8)(a) Funds sufficient to provide the match shall be
25 transferred from the state appropriations to the local
26 community college foundation or the statewide community
27 college foundation upon notification that a proportionate
28 amount has been received and deposited by a community college
29 in its own trust fund.

30 (b) If state funds appropriated for the program are
31 insufficient to match contributions, the amount allocated

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1 shall be reduced in proportion to its share of the total
2 eligible contributions. However, in making proportional
3 reductions, every community college shall receive a minimum of
4 \$75,000 in state matching funds if its eligible contributions
5 would have generated an amount at least equal to \$75,000. All
6 unmet contributions shall be eligible for state matching funds
7 in subsequent fiscal years.

8 (9) Each community college entity shall establish its
9 own matching grant program fund as a depository for the
10 private contributions and matching state funds provided under
11 this section. Community college foundations are responsible
12 for the maintenance, investment, and administration of their
13 matching grant program funds.

14 (10) The State Board of Education may receive
15 submissions of requests for matching funds and documentation
16 relating to those requests, may approve requests for matching
17 funds, and may allocate such funds to the community colleges.

18 (11) The board of trustees of the community college
19 and the State Board of Education are responsible for
20 determining the uses for the proceeds of their respective
21 trust funds. Such use of the proceeds shall include, but not
22 be limited to, expenditure of the funds for:

23 (a) Scientific and technical equipment.

24 (b) Scholarships, loans, or need-based grants.

25 (c) Other activities that will benefit future students
26 as well as students currently enrolled at the community
27 college, will improve the quality of education at the
28 community college, or will enhance economic development in the
29 community.

30 Section 681. Section 1011.86, Florida Statutes, is
31 created to read:

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1 1011.86 Educational leadership enhancement grants.--

2 (1) State universities and community colleges may
3 submit proposals for educational leadership enhancement grants
4 to the Commissioner of Education. Proposals shall be funded
5 competitively.

6 (2) To be eligible for funding, proposals must create
7 programs designed to strengthen the academic and professional
8 coursework or executive management preparation of women and
9 minorities.

10 (3) Each proposal must include specific measurable
11 goals and objectives.

12 (4) The State Board of Education may adopt any rules
13 necessary to implement the provisions of this grant program.

14 (5) The grant program shall be implemented to the
15 extent funded in the General Appropriations Act.

16 Section 682. Part V of chapter 1011, Florida Statutes,
17 shall be entitled "Funding for Universities" and shall consist
18 of ss. 1011.90-1011.94.

19 Section 683. Section 1011.90, Florida Statutes, is
20 created to read:

21 1011.90 State university funding.--

22 (1) Planned enrollments for each university as
23 accepted or modified by the Legislature and program cost
24 categories shall be the basis for the allocation of
25 appropriated funds to the universities.

26 (2) In addition to enrollment-based appropriations,
27 categorical programs shall be established in universities
28 which are not directly related to planned student enrollment.
29 Such programs shall be based upon the assigned missions of the
30 institutions and shall include, but not be limited to,
31 research and public service programs and authority to spend

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1 fee revenues collected pursuant to subsection (5) and s.
2 1009.24. Appropriations by the Legislature and allocations to
3 universities shall be based upon full costs, as determined
4 pursuant to subsection (1), and priorities established by the
5 Legislature.

6 (3) The Legislature by line item in an appropriations
7 act may identify programs of extraordinary quality for the
8 utilization of state funds to be matched by nonstate and
9 nonfederal sources.

10 (4) The State Board of Education shall establish and
11 validate a cost-estimating system consistent with the
12 requirements of subsection (1) and shall report as part of its
13 legislative budget request the actual expenditures for the
14 fiscal year ending the previous June 30. Expenditure analysis,
15 operating budgets, and annual financial statements of each
16 university must be prepared using the standard financial
17 reporting procedures and formats prescribed by the State Board
18 of Education. These formats shall be the same as used for the
19 2000-2001 fiscal year reports. Any revisions to these
20 financial and reporting procedures and formats must be
21 approved by the Executive Office of the Governor and the
22 appropriations committees of the Legislature jointly under the
23 provisions of s. 216.023(3). The State Board of Education
24 shall continue to collect and maintain at a minimum the
25 management information databases existing on June 30, 2002.
26 The expenditure analysis report shall include total
27 expenditures from all sources for the general operation of the
28 university and shall be in such detail as needed to support
29 the legislative budget request.

30 (5) If the actual enrollment for any university is
31 less than planned enrollment by more than 5 percent for any 2

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1 consecutive fiscal years, the university enrollment plan for
2 the next year shall be reduced. If actual enrollment exceeds
3 planned enrollment by more than 5 percent, an explanation of
4 the excess shall be provided with the next year's enrollment
5 plan. The analysis of enrollment conducted for implementing
6 this subsection shall be based on the categories of enrollment
7 used in the education and general appropriation.

8 Section 684. Section 1011.91, Florida Statutes, is
9 created to read:

10 1011.91 Additional appropriation.--

11 (1) All moneys received by universities, other than
12 from state and federal sources, from student building and
13 capital improvement fees, and from vending machine
14 collections, are hereby appropriated to the use of the
15 respective universities collecting same, to be expended as the
16 university board of trustees may direct; however, the funds
17 shall not be expended except in pursuance of detailed budgets
18 filed with the State Board of Education and shall not be
19 expended for the construction or reconstruction of buildings
20 except as provided under s. 1013.74.

21 (2) All moneys received from vending machine
22 collections by universities shall be expended only as set
23 forth in detailed budgets approved by the State Board of
24 Education.

25 (3)(a) All moneys received by universities for the
26 Auxiliary Enterprises and Contracts, Grants and Donations
27 budget entities, and the self-insurance program authorized in
28 s. 1004.24, shall be exempt from the requirements of s.
29 216.023.

30 (b) No new state appropriation shall be obligated as a
31 source of matching funds for potential federal or private

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1 contracts or grants. Upon the termination of any federal or
2 private contracts or grants, the state shall not be obligated
3 to provide continued funding for personnel or project costs
4 related to such contracts or grants.

5 Section 685. Section 1011.93, Florida Statutes, is
6 created to read:

7 1011.93 Pari-mutuel wagering funded research and
8 development programs.--Each fiscal year, the first \$250,000 of
9 the funds credited to the Pari-mutuel Wagering Trust Fund
10 shall be used to fund the establishment and implementation of
11 research and development programs at the University of
12 Florida. The University of Florida shall administer the
13 distribution of the funds. These programs must include, but
14 are not limited to:

15 (1) Research related to the breeding, health, feeding,
16 or training of dogs and horses.

17 (2) Development of continuing education programs for
18 individuals involved in the care and treatment of dogs and
19 horses at pari-mutuel facilities.

20 (3) Establishment of a postmortem evaluation program
21 for break-down injuries of dogs and horses.

22 (4) Research and development of helmet safety and the
23 improvement of jai alai equipment.

24 Section 686. Section 1011.94, Florida Statutes, is
25 created to read:

26 1011.94 Trust Fund for University Major Gifts.--

27 (1) There is established a Trust Fund for University
28 Major Gifts. The purpose of the trust fund is to enable each
29 university and New College to provide donors with an incentive
30 in the form of matching grants for donations for the
31 establishment of permanent endowments, which must be invested,

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1 with the proceeds of the investment used to support libraries
2 and instruction and research programs, as defined by procedure
3 of the State Board of Education. All funds appropriated for
4 the challenge grants, new donors, major gifts, or eminent
5 scholars program must be deposited into the trust fund and
6 invested pursuant to s. 18.125 until the State Board of
7 Education allocates the funds to universities to match private
8 donations. Notwithstanding s. 216.301 and pursuant to s.
9 216.351, any undisbursed balance remaining in the trust fund
10 and interest income accruing to the portion of the trust fund
11 which is not matched and distributed to universities must
12 remain in the trust fund and be used to increase the total
13 funds available for challenge grants. The State Board of
14 Education may authorize any university to encumber the state
15 matching portion of a challenge grant from funds available
16 under s. 1011.45.

17 (2) The State Board of Education shall specify the
18 process for submission, documentation, and approval of
19 requests for matching funds, accountability for endowments and
20 proceeds of endowments, allocations to universities,
21 restrictions on the use of the proceeds from endowments, and
22 criteria used in determining the value of donations.

23 (3)(a) The State Board of Education shall allocate the
24 amount appropriated to the trust fund to each university and
25 New College based on the amount of the donation and the
26 restrictions applied to the donation.

27 (b) Donations for a specific purpose must be matched
28 in the following manner:

29 1. Each university that raises at least \$100,000 but
30 no more than \$599,999 from a private source must receive a
31 matching grant equal to 50 percent of the private

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1 contribution.

2 2. Each university that raises a contribution of at
3 least \$600,000 but no more than \$1 million from a private
4 source must receive a matching grant equal to 70 percent of
5 the private contribution.

6 3. Each university that raises a contribution in
7 excess of \$1 million but no more than \$1.5 million from a
8 private source must receive a matching grant equal to 75
9 percent of the private contribution.

10 4. Each university that raises a contribution in
11 excess of \$1.5 million but no more than \$2 million from a
12 private source must receive a matching grant equal to 80
13 percent of the private contribution.

14 5. Each university that raises a contribution in
15 excess of \$2 million from a private source must receive a
16 matching grant equal to 100 percent of the private
17 contribution.

18 (c) The State Board of Education shall encumber state
19 matching funds for any pledged contributions, pro rata, based
20 on the requirements for state matching funds as specified for
21 the particular challenge grant and the amount of the private
22 donations actually received by the university for the
23 respective challenge grant.

24 (4) Matching funds may be provided for contributions
25 encumbered or pledged under the Eminent Scholars Act prior to
26 July 1, 1994, and for donations or pledges of any amount equal
27 to or in excess of the prescribed minimums which are pledged
28 for the purpose of this section.

29 (5)(a) Each university foundation and New College
30 Foundation shall establish a challenge grant account for each
31 challenge grant as a depository for private contributions and

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1 state matching funds to be administered on behalf of the State
2 Board of Education, the university, or New College. State
3 matching funds must be transferred to a university foundation
4 or New College Foundation upon notification that the
5 university or New College has received and deposited the
6 amount specified in this section in a foundation challenge
7 grant account.

8 (b) The foundation serving a university and New
9 College Foundation each has the responsibility for the
10 maintenance and investment of its challenge grant account and
11 for the administration of the program on behalf of the
12 university or New College, pursuant to procedures specified by
13 the State Board of Education. Each foundation shall include in
14 its annual report to the State Board of Education information
15 concerning collection and investment of matching gifts and
16 donations and investment of the account.

17 (c) A donation of at least \$600,000 and associated
18 state matching funds may be used to designate an Eminent
19 Scholar Endowed Chair pursuant to procedures specified by the
20 State Board of Education.

21 (6) The donations, state matching funds, or proceeds
22 from endowments established under this section may not be
23 expended for the construction, renovation, or maintenance of
24 facilities or for the support of intercollegiate athletics.

25 Section 687. Chapter 1012, Florida Statutes, shall be
26 entitled "Personnel" and shall consist of ss.
27 1012.01-1012.992.

28 Section 688. Part I of chapter 1012, Florida Statutes,
29 shall be entitled "General Provisions" and shall consist of s.
30 1012.01.

31 Section 689. Section 1012.01, Florida Statutes, is

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1 created to read:

2 1012.01 K-12 definitions.--Specific definitions shall
3 be as follows, and wherever such defined words or terms are
4 used in the Florida K-20 Education Code, they shall be used as
5 follows:

6 (1) SCHOOL OFFICERS.--The officers of the state system
7 of public education shall be the Commissioner of Education and
8 the members of the State Board of Education; and, for each
9 district school system, the officers shall be the district
10 school superintendent and members of the district school
11 board.

12 (2) INSTRUCTIONAL PERSONNEL.--"Instructional
13 personnel" means any staff member whose function includes the
14 provision of direct instructional services to students.
15 Instructional personnel also includes personnel whose
16 functions provide direct support in the learning process of
17 students. Included in the classification of instructional
18 personnel are:

19 (a) Classroom teachers.--Classroom teachers are staff
20 members assigned the professional activity of instructing
21 students in courses in classroom situations, including basic
22 instruction, exceptional student education, career and
23 technical education, and adult education, including substitute
24 teachers.

25 (b) Student personnel services.--Student personnel
26 services include staff members responsible for: advising
27 students with regard to their abilities and aptitudes,
28 educational and occupational opportunities, and personal and
29 social adjustments; providing placement services; performing
30 educational evaluations; and similar functions. Included in
31 this classification are guidance counselors, social workers,

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1 occupational/placement specialists, and school psychologists.
2 (c) Librarians/media specialists.--Librarians/media
3 specialists are staff members responsible for providing school
4 library media services. These employees are responsible for
5 evaluating, selecting, organizing, and managing media and
6 technology resources, equipment, and related systems;
7 facilitating access to information resources beyond the
8 school; working with teachers to make resources available in
9 the instructional programs; assisting teachers and students in
10 media productions; and instructing students in the location
11 and use of information resources.
12 (d) Other instructional staff.--Other instructional
13 staff are staff members who are part of the instructional
14 staff but are not classified in one of the categories
15 specified in paragraphs (a)-(c). Included in this
16 classification are primary specialists, learning resource
17 specialists, instructional trainers, adjunct educators
18 certified pursuant to s. 1012.57, and similar positions.
19 (e) Education paraprofessionals.--Education
20 paraprofessionals are individuals who are under the direct
21 supervision of an instructional staff member, aiding the
22 instructional process. Included in this classification are
23 classroom paraprofessionals in regular instruction,
24 exceptional education paraprofessionals, career education
25 paraprofessionals, adult education paraprofessionals, library
26 paraprofessionals, physical education and playground
27 paraprofessionals, and other school-level paraprofessionals.
28 (3) ADMINISTRATIVE PERSONNEL.--"Administrative
29 personnel" includes personnel who perform management
30 activities such as developing broad policies for the school
31 district and executing those policies through the direction of

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1 personnel at all levels within the district. Administrative
2 personnel are generally high-level, responsible personnel who
3 have been assigned the responsibilities of systemwide or
4 schoolwide functions, such as district school superintendents,
5 assistant superintendents, deputy superintendents, school
6 principals, assistant principals, technical center directors,
7 and others who perform management activities. Broad
8 classifications of administrative personnel are as follows:

9 (a) District-based instructional
10 administrators.--Included in this classification are persons
11 with district-level administrative or policymaking duties who
12 have broad authority for management policies and general
13 school district operations related to the instructional
14 program. Such personnel often report directly to the district
15 school superintendent and supervise other administrative
16 employees. This classification includes assistant, associate,
17 or deputy superintendents and directors of major instructional
18 areas, such as curriculum, federal programs such as Title I,
19 specialized instructional program areas such as exceptional
20 student education, career and technical education, and similar
21 areas.

22 (b) District-based noninstructional
23 administrators.--Included in this classification are persons
24 with district-level administrative or policymaking duties who
25 have broad authority for management policies and general
26 school district operations related to the noninstructional
27 program. Such personnel often report directly to the district
28 school superintendent and supervise other administrative
29 employees. This classification includes assistant, associate,
30 or deputy superintendents and directors of major
31 noninstructional areas, such as personnel, construction,

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1 facilities, transportation, data processing, and finance.
2 (c) School administrators.--Included in this
3 classification are:
4 1. School principals or school directors who are staff
5 members performing the assigned activities as the
6 administrative head of a school and to whom have been
7 delegated responsibility for the coordination and
8 administrative direction of the instructional and
9 noninstructional activities of the school. This classification
10 also includes technical center directors.
11 2. Assistant principals who are staff members
12 assisting the administrative head of the school. This
13 classification also includes assistant principals for
14 curriculum and administration.
15 (4) YEAR OF SERVICE.--The minimum time which may be
16 recognized in administering the state program of education,
17 not including retirement, as a year of service by a school
18 employee shall be full-time actual service; and, beginning
19 July 1963, such service shall also include sick leave and
20 holidays for which compensation was received but shall exclude
21 all other types of leave and holidays for a total of more than
22 one-half of the number of days required for the normal
23 contractual period of service for the position held, which
24 shall be 196 days or longer, or the minimum required for the
25 district to participate in the Florida Education Finance
26 Program in the year service was rendered, or the equivalent
27 for service performed on a daily or hourly basis; provided,
28 further, that absence from duty after the date of beginning
29 service shall be covered by leave duly authorized and granted;
30 further, the school board shall have authority to establish a
31 different minimum for local district school purposes.

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1 (5) SCHOOL VOLUNTEER.--A school volunteer is any
2 nonpaid person who may be appointed by a district school board
3 or its designee. School volunteers may include, but may not be
4 limited to, parents, senior citizens, students, and others who
5 assist the teacher or other members of the school staff.

6 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational
7 support employees" means employees whose job functions are
8 neither administrative nor instructional, yet whose work
9 supports the educational process.

10 (a) Other professional staff or
11 nonadministrative/noninstructional employees are staff members
12 who perform professional job functions which are
13 nonadministrative/noninstructional in nature and who are not
14 otherwise classified in this section. Included in this
15 classification are employees such as doctors, nurses,
16 attorneys, certified public accountants, and others
17 appropriate to the classification.

18 (b) Technicians are individuals whose occupations
19 require a combination of knowledge and manual skill which can
20 be obtained through about 2 years of post-high school
21 education, such as is offered in many technical institutes and
22 community colleges, or through equivalent on-the-job training.

23 (c) Clerical/secretarial workers are individuals whose
24 job requires skills and training in clerical-type work,
25 including activities such as preparing, transcribing,
26 systematizing, or preserving written communications and
27 reports or operating equipment performing those functions.
28 Included in this classification are secretaries, bookkeepers,
29 messengers, and office machine operators.

30 (d) Skilled crafts workers are individuals who perform
31 jobs which require special manual skill and a thorough and

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1 comprehensive knowledge of the processes involved in the work
2 which is acquired through on-the-job training and experience
3 or through apprenticeship or other formal training programs.

4 Lead workers for the various skilled crafts areas shall be
5 included in this classification.

6 (e) Service workers are staff members performing a
7 service for which there are no formal qualifications,
8 including those responsible for: cleaning the buildings,
9 school plants, or supporting facilities; maintenance and
10 operation of such equipment as heating and ventilation
11 systems; preserving the security of school property; and
12 keeping the school plant safe for occupancy and use. Lead
13 workers in the various service areas shall be included in this
14 broad classification.

15 (7) MANAGERS.--"Managers" includes those staff members
16 who perform managerial and supervisory functions while usually
17 also performing general operations functions. Managers may be
18 either instructional or noninstructional in their
19 responsibility. They may direct employees' work, plan the work
20 schedule, control the flow and distribution of work or
21 materials, train employees, handle complaints, authorize
22 payments, and appraise productivity and efficiency of
23 employees. This classification includes coordinators and
24 supervisors working under the general direction of those staff
25 identified as district-based instructional or noninstructional
26 administrators.

27 Section 690. Part II of chapter 1012, Florida
28 Statutes, shall be entitled "K-20 Personnel Issues" and shall
29 consist of ss. 1012.05-1012.07.

30 Section 691. Section 1012.05, Florida Statutes, is
31 created to read:

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- 1 1012.05 Teacher recruitment and retention.--
2 (1) The Department of Education, in cooperation with
3 teacher organizations, district personnel offices, and
4 schools, colleges, and departments of education in public and
5 nonpublic postsecondary educational institutions, shall
6 concentrate on the recruitment of qualified teachers.
7 (2) The Department of Education shall:
8 (a) Develop and implement a system for posting
9 teaching vacancies and establish a database of teacher
10 applicants that is accessible within and outside the state.
11 (b) Advertise in major newspapers, national
12 professional publications, and other professional publications
13 and in schools of education.
14 (c) Utilize state and nationwide toll-free numbers.
15 (d) Conduct periodic communications with district
16 personnel directors regarding applicants.
17 (e) Provide district access to the applicant database
18 by computer or telephone.
19 (f) Develop and distribute promotional materials
20 related to teaching as a career.
21 (g) Publish and distribute information pertaining to
22 employment opportunities, application procedures, teacher
23 certification, and teacher salaries.
24 (h) Provide information related to certification
25 procedures.
26 (i) Develop and sponsor the Florida Future Educator of
27 America Program throughout the state.
28 (j) Develop, in consultation with school district
29 staff including, but not limited to, district school
30 superintendents, district school board members, and district
31 human resources personnel, a long-range plan for educator

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1 recruitment and retention.

2 (k) Identify best practices for retaining high-quality
3 teachers.

4 (l) Develop, in consultation with Workforce Florida,
5 Inc., and the Agency for Workforce Innovation, created
6 pursuant to ss. 445.004 and 20.50, respectively, a plan for
7 accessing and identifying available resources in the state's
8 workforce system for the purpose of enhancing teacher
9 recruitment and retention.

10 (3) The Department of Education, in cooperation with
11 district personnel offices, shall sponsor a job fair in a
12 central part of the state to match in-state educators and
13 out-of-state educators with teaching opportunities in this
14 state.

15 Section 692. Section 1012.06, Florida Statutes, is
16 created to read:

17 1012.06 Temporary assignment of professional staff
18 among K-20 system.--To facilitate economical and effective use
19 of professional staff, school districts, public postsecondary
20 educational institutions, and the Department of Education may
21 enter into written agreements assigning employees among
22 themselves. The purpose of the temporary assignment is to
23 bring staff together within the state system of education,
24 notwithstanding their current places of assignment or agencies
25 of employment, who possess specific or unique knowledge or
26 experience especially suited to solving specific problems,
27 developing new programs, or providing technical assistance on
28 specific tasks or programs.

29 (1) A person may be temporarily assigned for whatever
30 period of time is required for a specific task; however, no
31 assignment may be for a period of more than 2 years.

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1 (2) A person on temporary assignment shall be
2 considered on temporary assignment duty to regular work
3 assignments of the sending agency; shall be entitled to all
4 benefits to which the person would otherwise be entitled,
5 including compensation for injury or disability; shall receive
6 the same salary and benefits as at the person's regular
7 assignment; and shall remain an employee of the permanent
8 employer for all purposes, except that the person shall be
9 supervised by the agency to which assigned. Payment of such
10 salary and benefits may be made by either agency as provided
11 in the assignment agreement.

12 (3) Travel and per diem expenses incurred while a
13 person is on temporary assignment shall be paid by the agency
14 to which the person is assigned. Round-trip travel and moving
15 expenses from the person's permanent location to the temporary
16 assignment may be paid by either agency, as provided in the
17 assignment agreement, for any assignment in excess of 3
18 months. Notwithstanding s. 112.061 to the contrary, a person
19 may be paid per diem expenses for any temporary assignment of
20 3 months or less.

21 Section 693. Section 1012.07, Florida Statutes, is
22 created to read:

23 1012.07 Identification of critical teacher shortage
24 areas.--

25 (1) As used in ss. 1009.57, 1009.58, and 1009.59, the
26 term "critical teacher shortage area" applies to mathematics,
27 science, career education, and high priority location areas.
28 The State Board of Education may identify career education
29 programs having critical teacher shortages. The State Board of
30 Education shall adopt rules pursuant to ss. 120.536(1) and
31 120.54, necessary to annually identify other critical teacher

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1 shortage areas and high priority location areas. The state
2 board shall also consider teacher characteristics such as
3 ethnic background, race, and sex in determining critical
4 teacher shortage areas. School grade levels may also be
5 designated critical teacher shortage areas. Individual
6 district school boards may identify other critical teacher
7 shortage areas. Such shortages must be certified to and
8 approved by the State Board of Education. High priority
9 location areas shall be in high-density, low-economic urban
10 schools and low-density, low-economic rural schools and shall
11 include schools which meet criteria which include, but are not
12 limited to, the percentage of free lunches, the percentage of
13 students under Chapter I of the Education Consolidation and
14 Improvement Act of 1981, and the faculty attrition rate.

15 (2) This section shall be implemented only to the
16 extent as specifically funded and authorized by law.

17 Section 694. Part III of chapter 1012, Florida
18 Statutes, shall be entitled "Public Schools; Personnel" and
19 shall consist of ss. 1012.21-1012.799.

20 Section 695. Part III.a. of chapter 1012, Florida
21 Statutes, shall be entitled "Department of Education, District
22 School Board, District School Superintendent, and School
23 Principal Duties; Public School Personnel" and shall consist
24 of ss. 1012.21-1012.28.

25 Section 696. Section 1012.21, Florida Statutes, is
26 created to read:

27 1012.21 Department of Education duties; K-12
28 personnel.--

29 (1) PERIODIC CRIMINAL HISTORY RECORD CHECKS.--In
30 cooperation with the Florida Department of Law Enforcement,
31 the Department of Education may periodically perform criminal

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1 history record checks on individuals who hold a certificate
2 pursuant to s. 1012.56 or s. 1012.57.

3 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE
4 EMPLOYMENT WAS TERMINATED.--

5 (a) The Department of Education shall establish a
6 computer database containing the names of persons whose
7 employment is terminated under s. 1012.33(1)(a) or (4)(c),
8 which information shall be available to the district school
9 superintendents and their designees.

10 (b) Each district school superintendent shall report
11 to the Department of Education the name of any person
12 terminated under s. 1012.33(1)(a) or (4)(c) within 10 working
13 days after the date of final action by the district school
14 board on the termination, and the department shall immediately
15 enter the information in the computer records.

16 (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE
17 TO CHILD SUPPORT DELINQUENCY.--The Department of Education
18 shall allow applicants for new or renewal certificates and
19 renewal certificateholders to be screened by the Title IV-D
20 child support agency pursuant to s. 409.2598 to assure
21 compliance with an obligation for support, as defined in s.
22 409.2554. The purpose of this section is to promote the
23 public policy of this state as established in s. 409.2551.
24 The department shall, when directed by the court, deny the
25 application of any applicant found to have a delinquent
26 support obligation. The department shall issue or reinstate
27 the certificate without additional charge to the
28 certificateholder when notified by the court that the
29 certificateholder has complied with the terms of the court
30 order. The department shall not be held liable for any
31 certificate denial or suspension resulting from the discharge

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1 of its duties under this section.

2 (4) CONFERENCES OF PUBLIC SCHOOL PERSONNEL.--As a
3 means of stimulating the professional improvement of personnel
4 in service, the Department of Education may call conferences
5 of personnel of the public schools on matters relating solely
6 to education, which conferences, if held on a school day
7 within the period of time covered by a contract, shall be
8 attended with pay by all who may be designated in the call of
9 the Department of Education, provided that the call of the
10 Department of Education may indicate that attendance is
11 optional, and that in any case of those absent from their
12 usual duties during the time of the conference, only those
13 actually in attendance at the conference shall be entitled to
14 pay for time covered by the conference.

15 (5) SCHOOL-RELATED EMPLOYEE OF THE YEAR PROGRAM.--The
16 Department of Education shall, by rule, provide for a
17 School-Related Employee of the Year Program. In addition to
18 any other provision, the department shall include in such
19 rules that:

20 (a) The program shall apply to school-related
21 employees.

22 (b) The program shall be modeled after the Teacher of
23 the Year Program.

24 (c) One school-related employee of the year shall be
25 nominated by each district school board in the state.

26 (d) A selection process shall be instituted to select
27 the school-related employee of the year so that the top five
28 finalists receive awards under the program.

29 Section 697. Effective upon this act becoming a law,
30 section 1012.22, Florida Statutes, is created to read:

31 1012.22 Public school personnel; powers and duties of

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1 the district school board.--The district school board shall:
2 (1) Designate positions to be filled, prescribe
3 qualifications for those positions, and provide for the
4 appointment, compensation, promotion, suspension, and
5 dismissal of employees as follows, subject to the requirements
6 of this chapter:
7 (a) Positions, qualifications, and appointments.--
8 1. The district school board shall act upon written
9 recommendations submitted by the district school
10 superintendent for positions to be filled, for minimum
11 qualifications for personnel for the various positions, and
12 for the persons nominated to fill such positions.
13 2. The district school board may reject for good cause
14 any employee nominated.
15 3. If the third nomination by the district school
16 superintendent for any position is rejected for good cause, if
17 the district school superintendent fails to submit a
18 nomination for initial employment within a reasonable time as
19 prescribed by the district school board, or if the district
20 school superintendent fails to submit a nomination for
21 reemployment within the time prescribed by law, the district
22 school board may proceed on its own motion to fill such
23 position.
24 4. The district school board's decision to reject a
25 person's nomination does not give that person a right of
26 action to sue over the rejection and may not be used as a
27 cause of action by the nominated employee.
28 (b) Time to act on nominations.--The district school
29 board shall act not later than 3 weeks after the end of the
30 regular legislative session or May 31, whichever is later, on
31 the district school superintendent's nominations of

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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. Beginning with the 2002-2003 fiscal year, each
23 district school board must adopt a performance-pay policy for
24 school administrators and instructional personnel. The
25 district's performance-pay policy is subject to negotiation as
26 provided in chapter 447; however, the adopted salary schedule
27 must allow school administrators and instructional personnel
28 who demonstrate outstanding performance, as measured under s.
29 1012.34, to earn a 5-percent supplement in addition to their
30 individual, negotiated salary. The supplements shall be funded
31 from the performance-pay reserve funds adopted in the salary

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1 schedule. The Commissioner of Education shall determine
2 whether the district school board's adopted salary schedule
3 complies with the requirement for performance-based pay. If
4 the district school board fails to comply with this section,
5 the commissioner shall withhold disbursements from the
6 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

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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

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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 698. Section 1012.23, Florida Statutes, is
7 created to read:

8 1012.23 School district personnel policies.--

9 (1) Except as otherwise provided by law or the State
10 Constitution, district school boards may adopt rules governing
11 personnel matters, including the assignment of duties and
12 responsibilities for all district employees.

13 (2) A district school board member may not employ or
14 appoint a relative, as defined in s. 112.3135, to work under
15 the direct supervision of that district school board member.

16 Section 699. Section 1012.24, Florida Statutes, is
17 created to read:

18 1012.24 Employment and compensation of instructional
19 personnel during specific emergencies.--In the event of an
20 epidemic, strike, mass walkout, substantial numbers of teacher
21 resignations, or other urgent condition, a district school
22 board upon recommendation of the district school
23 superintendent may find and declare that an emergency exists
24 because there is not a sufficient number of certified teachers
25 to continue the normal operation of the schools within the
26 district. In said event the district school board may upon
27 recommendation of the district school superintendent employ,
28 contract with, and compensate for instructional services
29 rendered any person who shall be deemed qualified by
30 regulations of the district school board. In such event, a
31 state certificate to teach shall not be required for such

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1 employment, contract, or compensation.

2 Section 700. Section 1012.25, Florida Statutes, is
3 created to read:

4 1012.25 School officers to turn over money and
5 property to successors.--Every school officer shall turn over
6 to his or her successor or successors in office, on retiring,
7 all books, papers, documents, records, funds, money, and
8 property of whatever kind which the officer may have acquired,
9 received, and held by virtue of his or her office and shall
10 take full receipt for them from his or her successor and shall
11 make in correct form all reports required by the state. No
12 school officer who receives any salary or compensation for his
13 or her services shall be entitled to be paid or compensated
14 for the last month served until the provisions of this section
15 have been fully observed. Any person violating the provisions
16 of this section shall forfeit his or her compensation for the
17 last month served and commits a misdemeanor of the second
18 degree, punishable as provided in s. 775.082 or s. 775.083.

19 Section 701. Section 1012.26, Florida Statutes, is
20 created to read:

21 1012.26 Legal services for employees; reimbursement
22 for judgments in civil actions.--Each district school board
23 may provide legal services for officers and employees of the
24 school board who are charged with civil or criminal actions
25 arising out of and in the course of the performance of
26 assigned duties and responsibilities. The district school
27 board shall provide for reimbursement of reasonable expenses
28 for legal services for officers and employees of school boards
29 who are charged with civil or criminal actions arising out of
30 and in the course of the performance of assigned duties and
31 responsibilities upon successful defense by the employee or

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1 officer. However, in any case in which the officer or employee
2 pleads guilty or nolo contendere or is found guilty of any
3 such action, the officer or employee shall reimburse the
4 district school board for any legal services which the school
5 board may have supplied pursuant to this section. A district
6 school board may also reimburse an officer or employee of the
7 school board for any judgment which may be entered against him
8 or her in a civil action arising out of and in the course of
9 the performance of his or her assigned duties and
10 responsibilities. Each expenditure by a district school board
11 for legal defense of an officer or employee, or for
12 reimbursement pursuant to this section, shall be made at a
13 public meeting with notice pursuant to s. 120.525(1). The
14 provision of such legal services or reimbursement under the
15 conditions described above is declared to be a district school
16 purpose for which district school funds may be expended.

17 Section 702. Section 1012.27, Florida Statutes, is
18 created to read:

19 1012.27 Public school personnel; powers and duties of
20 district school superintendent.--The district school
21 superintendent shall be responsible, as required herein, for
22 directing the work of the personnel, subject to the
23 requirements of this chapter, and in addition the district
24 school superintendent shall have the following duties:

25 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--

26 (a) Recommend to the district school board duties and
27 responsibilities which need to be performed and positions
28 which need to be filled to make possible the development of an
29 adequate school program in the district.

30 (b) Recommend minimum qualifications of personnel for
31 these various positions, and nominate in writing persons to

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1 fill such positions.

2

3 The district school superintendent's recommendations for
4 filling instructional positions at the school level must
5 consider nominations received from school principals of the
6 respective schools. Before transferring a teacher who holds a
7 professional teaching certificate from one school to another,
8 the district school superintendent shall consult with the
9 principal of the receiving school and allow the principal to
10 review the teacher's records and interview the teacher. If, in
11 the judgment of the principal, students would not benefit from
12 the placement, an alternative placement may be sought.

13 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
14 recommend to the district school board for adoption a salary
15 schedule or salary schedules. The district school
16 superintendent must recommend a salary schedule for
17 instructional personnel which bases a portion of each
18 employee's compensation on performance demonstrated under s.
19 1012.34. In developing the recommended salary schedule, the
20 district school superintendent shall include input from
21 parents, teachers, and representatives of the business
22 community.

23 (3) CONTRACTS AND TERMS OF SERVICE.--Recommend to the
24 district school board terms for contracting with employees and
25 prepare such contracts as are approved.

26 (4) TRANSFER AND PROMOTIONS.--Recommend employees for
27 transfer and transfer any employee during any emergency and
28 report the transfer to the district school board at its next
29 regular meeting.

30 (5) SUSPENSION AND DISMISSAL.--Suspend members of the
31 instructional staff and other school employees during

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1 emergencies for a period extending to and including the day of
2 the next regular or special meeting of the district school
3 board and notify the district school board immediately of such
4 suspension. When authorized to do so, serve notice on the
5 suspended member of the instructional staff of charges made
6 against him or her and of the date of hearing. Recommend
7 employees for dismissal under the terms prescribed herein.

8 (6) DIRECT WORK OF EMPLOYEES AND SUPERVISE

9 INSTRUCTION.--Direct or arrange for the proper direction and
10 improvement, under rules of the district school board, of the
11 work of all members of the instructional staff and other
12 employees of the district school system, supervise or arrange
13 under rules of the district school board for the supervision
14 of instruction in the district, and take such steps as are
15 necessary to bring about continuous improvement.

16 Section 703. Section 1012.28, Florida Statutes, is
17 created to read:

18 1012.28 Public school personnel; duties of school
19 principals.--

20 (1) Public school principals shall supervise public
21 school personnel as the district school board determines
22 necessary.

23 (2) The school principal is responsible for
24 recommending to the district school superintendent the
25 employment of instructional personnel to be assigned to the
26 school to which the principal is assigned.

27 (3) Each school principal is responsible for the
28 performance of all personnel employed by the district school
29 board and assigned to the school to which the principal is
30 assigned. The school principal shall faithfully and
31 effectively apply the personnel assessment system approved by

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1 the district school board pursuant to s. 1012.34.

2 (4) Each school principal shall assist the teachers
3 within the school to use student assessment data, as measured
4 by student learning gains pursuant to s. 1008.22, for
5 self-evaluation.

6 (5) Each school principal shall perform such duties as
7 may be assigned by the district school superintendent,
8 pursuant to the rules of the district school board. Such rules
9 shall include, but are not limited to, rules relating to
10 administrative responsibility, instructional leadership in
11 implementing the Sunshine State Standards and the overall
12 educational program of the school to which the school
13 principal is assigned, submission of personnel recommendations
14 to the district school superintendent, administrative
15 responsibility for records and reports, administration of
16 corporal punishment, and student suspension.

17 (6) A school principal who fails to comply with this
18 section shall be ineligible for any portion the performance
19 pay policy incentive under s. 1012.22(1)(c).

20 Section 704. Part III.b. of chapter 1012, Florida
21 Statutes, shall be entitled "Personnel Files, Qualifications,
22 Contracts, Assessments for Public Schools" and shall consist
23 of ss. 1012.31-1012.34.

24 Section 705. Section 1012.31, Florida Statutes, is
25 created to read:

26 1012.31 Personnel files.--Public school system
27 employee personnel files shall be maintained according to the
28 following provisions:

29 (1)(a) Except for materials pertaining to work
30 performance or such other matters that may be cause for
31 discipline, suspension, or dismissal under laws of this state,

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1 no derogatory materials relating to an employee's conduct,
2 service, character, or personality shall be placed in the
3 personnel file of such employee.

4 (b) No anonymous letter or anonymous materials shall
5 be placed in the personnel file.

6 (2)(a) Materials relating to work performance,
7 discipline, suspension, or dismissal must be reduced to
8 writing and signed by a person competent to know the facts or
9 make the judgment.

10 (b)1. No such materials may be placed in a personnel
11 file unless they have been reduced to writing within 45 days,
12 exclusive of the summer vacation period, of the school system
13 administration becoming aware of the facts reflected in the
14 materials.

15 2. Additional information related to such written
16 materials previously placed in the file may be appended to
17 such materials to clarify or amplify them as needed.

18 (c) A copy of such materials to be added to an
19 employee's personnel file shall be provided to the employee
20 either:

21 1. By certified mail, return receipt requested, to his
22 or her address of record; or

23 2. By personal delivery. The employee's signature on a
24 copy of the materials to be filed shall be proof that such
25 materials were given to the employee, with the understanding
26 that such signature merely signifies receipt and does not
27 necessarily indicate agreement with its contents.

28 (d) An employee has the right to answer in writing any
29 such materials in a personnel file on July 1, 1983, as well as
30 any such materials filed thereafter, and the answer shall be
31 attached to the file copy. An employee has the right to

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1 request that the district school superintendent or the
2 superintendent's designee make an informal inquiry regarding
3 material in the employee's personnel file which the employee
4 believes to be false. The official who makes the inquiry shall
5 append to the material a written report of his or her
6 findings.

7 (e) Upon request, an employee, or any person
8 designated in writing by the employee, shall be permitted to
9 examine the personnel file of such employee. The employee
10 shall be permitted conveniently to reproduce any materials in
11 the file, at a cost no greater than the fees prescribed in s.
12 119.07(1).

13 (f) The custodian of the record shall maintain a
14 record in the file of those persons reviewing the file each
15 time it is reviewed.

16 (3)(a) Public school system employee personnel files
17 are subject to the provisions of s. 119.07(1), except as
18 follows:

19 1. Any complaint and any material relating to the
20 investigation of a complaint against an employee shall be
21 confidential and exempt from the provisions of s. 119.07(1)
22 until the conclusion of the preliminary investigation or until
23 such time as the preliminary investigation ceases to be
24 active. If the preliminary investigation is concluded with
25 the finding that there is no probable cause to proceed further
26 and with no disciplinary action taken or charges filed, a
27 statement to that effect signed by the responsible
28 investigating official shall be attached to the complaint, and
29 the complaint and all such materials shall be open thereafter
30 to inspection pursuant to s. 119.07(1). If the preliminary
31 investigation is concluded with the finding that there is

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1 probable cause to proceed further or with disciplinary action
2 taken or charges filed, the complaint and all such materials
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 materials shall be open
6 thereafter to inspection pursuant to s. 119.07(1). For the
7 purpose of this subsection, a preliminary investigation shall
8 be considered active as long as it is continuing with a
9 reasonable, good faith anticipation that an administrative
10 finding will be made in the foreseeable future. An
11 investigation shall be presumed to be inactive if no finding
12 relating to probable cause is made within 60 days after the
13 complaint is made.

14 2. An employee evaluation prepared pursuant to s.
15 1012.56, s. 1012.34, or s. 1012.33 or rules adopted by the
16 State Board of Education or district school board under the
17 authority of those sections shall be confidential and exempt
18 from the provisions of s. 119.07(1) until the end of the
19 school year immediately following the school year in which the
20 evaluation was made. No evaluation prepared before July 1,
21 1983, shall be made public pursuant to this section.

22 3. No material derogatory to an employee shall be open
23 to inspection until 10 days after the employee has been
24 notified pursuant to paragraph (2)(c).

25 4. The payroll deduction records of an employee shall
26 be confidential and exempt from the provisions of s.
27 119.07(1).

28 5. Employee medical records, including psychiatric and
29 psychological records, shall be confidential and exempt from
30 the provisions of s. 119.07(1); however, at any hearing
31 relative to the competency or performance of an employee, the

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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 706. 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

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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 707. Section 1012.33, Florida Statutes, is
28 created to read:

29 1012.33 Contracts with instructional staff,
30 supervisors, and school principals.--

31 (1)(a) Each person employed as a member of the

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1 instructional staff in any district school system shall be
2 properly certified pursuant to s. 1012.56 or s. 1012.57 or
3 employed pursuant to s. 1012.39 and shall be entitled to and
4 shall receive a written contract as specified in chapter 230.
5 All such contracts, except continuing contracts as specified
6 in subsection (4), shall contain provisions for dismissal
7 during the term of the contract only for just cause. Just
8 cause includes, but is not limited to, the following
9 instances, as defined by rule of the State Board of Education:
10 misconduct in office, incompetency, gross insubordination,
11 willful neglect of duty, or conviction of a crime involving
12 moral turpitude.

13 (b) A supervisor or school principal shall be properly
14 certified and shall receive a written contract as specified in
15 chapter 1001. Such contract may be for an initial period not
16 to exceed 3 years, subject to annual review and renewal. The
17 first 97 days of an initial contract is a probationary period.
18 During the probationary period, the employee may be dismissed
19 without cause or may resign from the contractual position
20 without breach of contract. After the first 3 years, the
21 contract may be renewed for a period not to exceed 3 years and
22 shall contain provisions for dismissal during the term of the
23 contract only for just cause, in addition to such other
24 provisions as are prescribed by the district school board.

25 (2) Any person so employed on the basis of a written
26 offer of a specific position by a duly authorized agent of the
27 district school board for a stated term of service at a
28 specified salary, and who accepted such offer by telegram or
29 letter or by signing the regular contract form, who violates
30 the terms of such contract or agreement by leaving his or her
31 position without first being released from his or her contract

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1 or agreement by the district school board of the district in
2 which the person is employed shall be subject to the
3 jurisdiction of the Education Practices Commission. The
4 district school board shall take official action on such
5 violation and shall furnish a copy of its official minutes to
6 the Commissioner of Education.

7 (3)(a) Each district school board shall provide a
8 professional service contract as prescribed herein. Each
9 member of the instructional staff who completed the following
10 requirements prior to July 1, 1984, shall be entitled to and
11 shall be issued a continuing contract in the form prescribed
12 by rules of the state board pursuant to s. 231.36, Florida
13 Statutes (1981). Each member of the instructional staff who
14 completes the following requirements on or after July 1, 1984,
15 shall be entitled to and shall be issued a professional
16 service contract in the form prescribed by rules of the state
17 board as provided herein:

18 1. The member must hold a professional certificate as
19 prescribed by s. 1012.56 and rules of the State Board of
20 Education.

21 2. The member must have completed 3 years of
22 probationary service in the district during a period not in
23 excess of 5 successive years, except for leave duly authorized
24 and granted.

25 3. The member must have been recommended by the
26 district school superintendent for such contract and
27 reappointed by the district school board based on successful
28 performance of duties and demonstration of professional
29 competence.

30 4. For any person newly employed as a member of the
31 instructional staff after June 30, 1997, the initial annual

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1 contract shall include a 97-day probationary period during
2 which time the employee's contract may be terminated without
3 cause or the employee may resign without breach of contract.

4 (b) The professional service contract shall be
5 effective at the beginning of the school fiscal year following
6 the completion of all requirements therefor.

7 (c) The period of service provided herein may be
8 extended to 4 years when prescribed by the district school
9 board and agreed to in writing by the employee at the time of
10 reappointment.

11 (d) A district school board may issue a continuing
12 contract prior to July 1, 1984, and may issue a professional
13 service contract subsequent to July 1, 1984, to any employee
14 who has previously held a professional service contract or
15 continuing contract in the same or another district within
16 this state. Any employee who holds a continuing contract may,
17 but is not required to, exchange such continuing contract for
18 a professional service contract in the same district.

19 (e) A professional service contract shall be renewed
20 each year unless the district school superintendent, after
21 receiving the recommendations required by s. 1012.34, charges
22 the employee with unsatisfactory performance and notifies the
23 employee of performance deficiencies as required by s.
24 1012.34. An employee who holds a professional service contract
25 on July 1, 1997, is subject to the procedures set forth in
26 paragraph (f) during the term of the existing professional
27 service contract. The employee is subject to the procedures
28 set forth in s. 1012.34(3)(d) upon the next renewal of the
29 professional service contract; however, if the employee is
30 notified of performance deficiencies before the next contract
31 renewal date, the procedures of s. 1012.34(3)(d) do not apply

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1 until the procedures set forth in paragraph (f) have been
2 exhausted and the professional service contract is
3 subsequently renewed.

4 (f) The district school superintendent shall notify an
5 employee who holds a professional service contract on July 1,
6 1997, in writing, no later than 6 weeks prior to the end of
7 the postschool conference period, of performance deficiencies
8 which may result in termination of employment, if not
9 corrected during the subsequent year of employment (which
10 shall be granted for an additional year in accordance with the
11 provisions in subsection (1)). Except as otherwise hereinafter
12 provided, this action shall not be subject to the provisions
13 of chapter 120, but the following procedures shall apply:

14 1. On receiving notice of unsatisfactory performance,
15 the employee, on request, shall be accorded an opportunity to
16 meet with the district school superintendent, or his or her
17 designee, for an informal review of the determination of
18 unsatisfactory performance.

19 2. An employee notified of unsatisfactory performance
20 may request an opportunity to be considered for a transfer to
21 another appropriate position, with a different supervising
22 administrator, for the subsequent year of employment. If the
23 request for the transfer is granted, the district school
24 superintendent shall annually report to the department the
25 total number of employees transferred pursuant to this
26 subparagraph, where they were transferred, and what, if any,
27 remediation was implemented to remediate the unsatisfactory
28 performance.

29 3. During the subsequent year, the employee shall be
30 provided assistance and inservice training opportunities to
31 help correct the noted performance deficiencies. The employee

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1 shall also be evaluated periodically so that he or she will be
2 kept apprised of progress achieved.

3 4. Not later than 6 weeks prior to the close of the
4 postschool conference period of the subsequent year, the
5 district school superintendent, after receiving and reviewing
6 the recommendation required by s. 1012.34, shall notify the
7 employee, in writing, whether the performance deficiencies
8 have been corrected. If so, a new professional service
9 contract shall be issued to the employee. If the performance
10 deficiencies have not been corrected, the district school
11 superintendent may notify the district school board and the
12 employee, in writing, that the employee shall not be issued a
13 new professional service contract; however, if the
14 recommendation of the district school superintendent is not to
15 issue a new professional service contract, and if the employee
16 wishes to contest such recommendation, the employee will have
17 15 days from receipt of the district school superintendent's
18 recommendation to demand, in writing, a hearing. In such
19 hearing, the employee may raise as an issue, among other
20 things, the sufficiency of the district school
21 superintendent's charges of unsatisfactory performance. Such
22 hearing shall be conducted at the district school board's
23 election in accordance with one of the following procedures:

24 a. A direct hearing conducted by the district school
25 board within 60 days of receipt of the written appeal. The
26 hearing shall be conducted in accordance with the provisions
27 of ss. 120.569 and 120.57. A majority vote of the membership
28 of the district school board shall be required to sustain the
29 district school superintendent's recommendation. The
30 determination of the district school board shall be final as
31 to the sufficiency or insufficiency of the grounds for

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1 termination of employment; or
2 b. A hearing conducted by an administrative law judge
3 assigned by the Division of Administrative Hearings of the
4 Department of Management Services. The hearing shall be
5 conducted within 60 days of receipt of the written appeal in
6 accordance with chapter 120. The recommendation of the
7 administrative law judge shall be made to the district school
8 board. A majority vote of the membership of the district
9 school board shall be required to sustain or change the
10 administrative law judge's recommendation. The determination
11 of the district school board shall be final as to the
12 sufficiency or insufficiency of the grounds for termination of
13 employment.

14 (g) Beginning July 1, 2001, for each employee who
15 enters into a written contract, pursuant to this section, in a
16 school district in which the employee was not employed as of
17 June 30, 2001, for purposes of pay, a district school board
18 must recognize and accept each year of full-time public school
19 teaching service earned in the State of Florida or outside the
20 state and for which the employee received a satisfactory
21 performance evaluation. Instructional personnel employed
22 pursuant to s. 121.091(9)(b)3. are exempt from the provisions
23 of this paragraph.

24 (4)(a) An employee who had continuing contract status
25 prior to July 1, 1984, shall be entitled to retain such
26 contract and all rights arising therefrom as prescribed by
27 rules of the State Board of Education adopted pursuant to s.
28 231.36, Florida Statutes (1981), unless the employee
29 voluntarily relinquishes his or her continuing contract.

30 (b) Any member of the district administrative or
31 supervisory staff and any member of the instructional staff,

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1 including any school principal, who is under continuing
2 contract may be dismissed or may be returned to annual
3 contract status for another 3 years in the discretion of the
4 district school board, at the end of the school year, when a
5 recommendation to that effect is submitted in writing to the
6 district school board on or before April 1 of any school year,
7 giving good and sufficient reasons therefor, by the district
8 school superintendent, by the school principal if his or her
9 contract is not under consideration, or by a majority of the
10 district school board. The employee whose contract is under
11 consideration shall be duly notified in writing by the party
12 or parties preferring the charges at least 5 days prior to the
13 filing of the written recommendation with the district school
14 board, and such notice shall include a copy of the charges and
15 the recommendation to the district school board. The district
16 school board shall proceed to take appropriate action. Any
17 decision adverse to the employee shall be made by a majority
18 vote of the full membership of the district school board. Any
19 such decision adverse to the employee may be appealed by the
20 employee pursuant to s. 120.68.

21 (c) Any member of the district administrative or
22 supervisory staff and any member of the instructional staff,
23 including any school principal, who is under continuing
24 contract may be suspended or dismissed at any time during the
25 school year; however, the charges against him or her must be
26 based on immorality, misconduct in office, incompetency, gross
27 insubordination, willful neglect of duty, drunkenness, or
28 conviction of a crime involving moral turpitude, as these
29 terms are defined by rule of the State Board of Education.
30 Whenever such charges are made against any such employee of
31 the district school board, the district school board may

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1 suspend such person without pay; but, if the charges are not
2 sustained, he or she shall be immediately reinstated, and his
3 or her back salary shall be paid. In cases of suspension by
4 the district school board or by the district school
5 superintendent, the district school board shall determine upon
6 the evidence submitted whether the charges have been sustained
7 and, if the charges are sustained, shall determine either to
8 dismiss the employee or fix the terms under which he or she
9 may be reinstated. If such charges are sustained by a majority
10 vote of the full membership of the district school board and
11 such employee is discharged, his or her contract of employment
12 shall be thereby canceled. Any such decision adverse to the
13 employee may be appealed by the employee pursuant to s.
14 120.68, provided such appeal is filed within 30 days after the
15 decision of the district school board.

16 (5) Should a district school board have to choose from
17 among its personnel who are on continuing contracts or
18 professional service contracts as to which should be retained,
19 such decisions shall be made pursuant to the terms of a
20 collectively bargained agreement, when one exists. If no such
21 agreement exists, the district school board shall prescribe
22 rules to handle reductions in workforce.

23 (6)(a) Any member of the instructional staff,
24 excluding an employee specified in subsection (4), may be
25 suspended or dismissed at any time during the term of the
26 contract for just cause as provided in paragraph (1)(a). The
27 district school board must notify the employee in writing
28 whenever charges are made against the employee and may suspend
29 such person without pay; but, if the charges are not
30 sustained, the employee shall be immediately reinstated, and
31 his or her back salary shall be paid. If the employee wishes

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1 to contest the charges, the employee must, within 15 days
2 after receipt of the written notice, submit a written request
3 for a hearing. Such hearing shall be conducted at the district
4 school board's election in accordance with one of the
5 following procedures:

6 1. A direct hearing conducted by the district school
7 board within 60 days after receipt of the written appeal. The
8 hearing shall be conducted in accordance with the provisions
9 of ss. 120.569 and 120.57. A majority vote of the membership
10 of the district school board shall be required to sustain the
11 district school superintendent's recommendation. The
12 determination of the district school board shall be final as
13 to the sufficiency or insufficiency of the grounds for
14 termination of employment; or

15 2. A hearing conducted by an administrative law judge
16 assigned by the Division of Administrative Hearings of the
17 Department of Management Services. The hearing shall be
18 conducted within 60 days after receipt of the written appeal
19 in accordance with chapter 120. The recommendation of the
20 administrative law judge shall be made to the district school
21 board. A majority vote of the membership of the district
22 school board shall be required to sustain or change the
23 administrative law judge's recommendation. The determination
24 of the district school board shall be final as to the
25 sufficiency or insufficiency of the grounds for termination of
26 employment.

27
28 Any such decision adverse to the employee may be appealed by
29 the employee pursuant to s. 120.68, provided such appeal is
30 filed within 30 days after the decision of the district school
31 board.

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1 (b) Any member of the district administrative or
2 supervisory staff, including any principal but excluding an
3 employee specified in subsection (4), may be suspended or
4 dismissed at any time during the term of the contract;
5 however, the charges against him or her must be based on
6 immorality, misconduct in office, incompetency, gross
7 insubordination, willful neglect of duty, drunkenness, or
8 conviction of any crime involving moral turpitude, as these
9 terms are defined by rule of the State Board of Education.
10 Whenever such charges are made against any such employee of
11 the district school board, the district school board may
12 suspend the employee without pay; but, if the charges are not
13 sustained, he or she shall be immediately reinstated, and his
14 or her back salary shall be paid. In cases of suspension by
15 the district school board or by the district school
16 superintendent, the district school board shall determine upon
17 the evidence submitted whether the charges have been sustained
18 and, if the charges are sustained, shall determine either to
19 dismiss the employee or fix the terms under which he or she
20 may be reinstated. If such charges are sustained by a
21 majority vote of the full membership of the district school
22 board and such employee is discharged, his or her contract of
23 employment shall be thereby canceled. Any such decision
24 adverse to the employee may be appealed by him or her pursuant
25 to s. 120.68, provided such appeal is filed within 30 days
26 after the decision of the district school board.

27 (7) The district school board of any given district
28 shall grant continuing service credit for time spent
29 performing duties as a member of the Legislature to any
30 district employee who possesses a professional service
31 contract, multiyear contract, or continuing contract.

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1 (8) Notwithstanding any other provision of law, any
2 member who has retired may interrupt retirement and be
3 reemployed in any public school. Any member so reemployed by
4 the same district from which he or she retired may be employed
5 on a probationary contractual basis as provided in subsection
6 (1); however, no regular retirement employee shall be eligible
7 to renew membership under a retirement system created by
8 chapter 121 or chapter 238.

9 Section 708. Section 1012.34, Florida Statutes, is
10 created to read:

11 1012.34 Assessment procedures and criteria.--

12 (1) For the purpose of improving the quality of
13 instructional, administrative, and supervisory services in the
14 public schools of the state, the district school
15 superintendent shall establish procedures for assessing the
16 performance of duties and responsibilities of all
17 instructional, administrative, and supervisory personnel
18 employed by the school district. The Department of Education
19 must approve each district's instructional personnel
20 assessment system.

21 (2) The following conditions must be considered in the
22 design of the district's instructional personnel assessment
23 system:

24 (a) The system must be designed to support district
25 and school level improvement plans.

26 (b) The system must provide appropriate instruments,
27 procedures, and criteria for continuous quality improvement of
28 the professional skills of instructional personnel.

29 (c) The system must include a mechanism to give
30 parents an opportunity to provide input into employee
31 performance assessments when appropriate.

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1 (d) In addition to addressing generic teaching
2 competencies, districts must determine those teaching fields
3 for which special procedures and criteria will be developed.

4 (e) Each district school board may establish a peer
5 assistance process. The plan may provide a mechanism for
6 assistance of persons who are placed on performance probation
7 as well as offer assistance to other employees who request it.

8 (f) The district school board shall provide training
9 programs that are based upon guidelines provided by the
10 Department of Education to ensure that all individuals with
11 evaluation responsibilities understand the proper use of the
12 assessment criteria and procedures.

13 (3) The assessment procedure for instructional
14 personnel and school administrators must be primarily based on
15 the performance of students assigned to their classrooms or
16 schools, as appropriate. The procedures must comply with, but
17 are not limited to, the following requirements:

18 (a) An assessment must be conducted for each employee
19 at least once a year. The assessment must be based upon sound
20 educational principles and contemporary research in effective
21 educational practices. The assessment must primarily use data
22 and indicators of improvement in student performance assessed
23 annually as specified in s. 1008.22 and may consider results
24 of peer reviews in evaluating the employee's performance.
25 Student performance must be measured by state assessments
26 required under s. 1008.22 and by local assessments for
27 subjects and grade levels not measured by the state assessment
28 program. The assessment criteria must include, but are not
29 limited to, indicators that relate to the following:

30 1. Performance of students.

31 2. Ability to maintain appropriate discipline.

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1 3. Knowledge of subject matter. The district school
2 board shall make special provisions for evaluating teachers
3 who are assigned to teach out-of-field.

4 4. Ability to plan and deliver instruction, including
5 the use of technology in the classroom.

6 5. Ability to evaluate instructional needs.

7 6. Ability to establish and maintain a positive
8 collaborative relationship with students' families to increase
9 student achievement.

10 7. Other professional competencies, responsibilities,
11 and requirements as established by rules of the State Board of
12 Education and policies of the district school board.

13 (b) All personnel must be fully informed of the
14 criteria and procedures associated with the assessment process
15 before the assessment takes place.

16 (c) The individual responsible for supervising the
17 employee must assess the employee's performance. The evaluator
18 must submit a written report of the assessment to the district
19 school superintendent for the purpose of reviewing the
20 employee's contract. The evaluator must submit the written
21 report to the employee no later than 10 days after the
22 assessment takes place. The evaluator must discuss the written
23 report of assessment with the employee. The employee shall
24 have the right to initiate a written response to the
25 assessment, and the response shall become a permanent
26 attachment to his or her personnel file.

27 (d) If an employee is not performing his or her duties
28 in a satisfactory manner, the evaluator shall notify the
29 employee in writing of such determination. The notice must
30 describe such unsatisfactory performance and include notice of
31 the following procedural requirements:

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1 1. Upon delivery of a notice of unsatisfactory
2 performance, the evaluator must confer with the employee, make
3 recommendations with respect to specific areas of
4 unsatisfactory performance, and provide assistance in helping
5 to correct deficiencies within a prescribed period of time.

6 2.a. If the employee holds a professional service
7 contract as provided in s. 1012.33, the employee shall be
8 placed on performance probation and governed by the provisions
9 of this section for 90 calendar days following the receipt of
10 the notice of unsatisfactory performance to demonstrate
11 corrective action. School holidays and school vacation periods
12 are not counted when calculating the 90-calendar-day period.
13 During the 90 calendar days, the employee who holds a
14 professional service contract must be evaluated periodically
15 and apprised of progress achieved and must be provided
16 assistance and inservice training opportunities to help
17 correct the noted performance deficiencies. At any time during
18 the 90 calendar days, the employee who holds a professional
19 service contract may request a transfer to another appropriate
20 position with a different supervising administrator; however,
21 a transfer does not extend the period for correcting
22 performance deficiencies.

23 b. Within 14 days after the close of the 90 calendar
24 days, the evaluator must assess whether the performance
25 deficiencies have been corrected and forward a recommendation
26 to the district school superintendent. Within 14 days after
27 receiving the evaluator's recommendation, the district school
28 superintendent must notify the employee who holds a
29 professional service contract in writing whether the
30 performance deficiencies have been satisfactorily corrected
31 and whether the district school superintendent will recommend

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1 that the district school board continue or terminate his or
2 her employment contract. If the employee wishes to contest the
3 district school superintendent's recommendation, the employee
4 must, within 15 days after receipt of the district school
5 superintendent's recommendation, submit a written request for
6 a hearing. The hearing shall be conducted at the district
7 school board's election in accordance with one of the
8 following procedures:

9 (I) A direct hearing conducted by the district school
10 board within 60 days after receipt of the written appeal. The
11 hearing shall be conducted in accordance with the provisions
12 of ss. 120.569 and 120.57. A majority vote of the membership
13 of the district school board shall be required to sustain the
14 district school superintendent's recommendation. The
15 determination of the district school board shall be final as
16 to the sufficiency or insufficiency of the grounds for
17 termination of employment; or

18 (II) A hearing conducted by an administrative law
19 judge assigned by the Division of Administrative Hearings of
20 the Department of Management Services. The hearing shall be
21 conducted within 60 days after receipt of the written appeal
22 in accordance with chapter 120. The recommendation of the
23 administrative law judge shall be made to the district school
24 board. A majority vote of the membership of the district
25 school board shall be required to sustain or change the
26 administrative law judge's recommendation. The determination
27 of the district school board shall be final as to the
28 sufficiency or insufficiency of the grounds for termination of
29 employment.

30 (4) The district school superintendent shall notify
31 the department of any instructional personnel who receive two

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1 consecutive unsatisfactory evaluations and who have been given
2 written notice by the district that their employment is being
3 terminated or is not being renewed or that the district school
4 board intends to terminate, or not renew, their employment.
5 The department shall conduct an investigation to determine
6 whether action shall be taken against the certificateholder
7 pursuant to s. 1012.795(1)(b).

8 (5) The district school superintendent shall develop a
9 mechanism for evaluating the effective use of assessment
10 criteria and evaluation procedures by administrators who are
11 assigned responsibility for evaluating the performance of
12 instructional personnel. The use of the assessment and
13 evaluation procedures shall be considered as part of the
14 annual assessment of the administrator's performance. The
15 system must include a mechanism to give parents and teachers
16 an opportunity to provide input into the administrator's
17 performance assessment, when appropriate.

18 (6) Nothing in this section shall be construed to
19 grant a probationary employee a right to continued employment
20 beyond the term of his or her contract.

21 (7) The district school board shall establish a
22 procedure annually reviewing instructional personnel
23 assessment systems to determine compliance with this section.
24 All substantial revisions to an approved system must be
25 reviewed and approved by the district school board before
26 being used to assess instructional personnel. Upon request by
27 a school district, the department shall provide assistance in
28 developing, improving, or reviewing an assessment system.

29 (8) The State Board of Education shall adopt rules
30 pursuant to ss. 120.536(1) and 120.54, that establish uniform
31 guidelines for the submission, review, and approval of

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1 district procedures for the annual assessment of instructional
2 personnel and that include criteria for evaluating
3 professional performance.

4 Section 709. Part III.c. of chapter 1012, Florida
5 Statutes, shall be entitled "Personnel, Instructional and
6 Noninstructional; Authorization; Requirements" and shall
7 consist of ss. 1012.35-1012.46.

8 Section 710. Section 1012.35, Florida Statutes, is
9 created to read:

10 1012.35 Substitute teachers.--Each district school
11 board shall adopt rules prescribing the compensation of, and
12 the procedure for employment of, substitute teachers. Such
13 procedure for employment shall include, but is not limited to,
14 the filing of a complete set of fingerprints as required in s.
15 1012.32.

16 Section 711. Section 1012.36, Florida Statutes, is
17 created to read:

18 1012.36 Part-time teachers.--

19 (1) District school boards may hire certified and
20 qualified personnel as provided in ss. 1012.39 and 1012.57 to
21 teach a specified number of periods, which may be less than a
22 full school day or less than a full school year.

23 (2) Assigned additional school duties and salaries
24 shall be given in direct ratio to the number of periods
25 taught. Other benefits shall be provided by district school
26 board rule or, if applicable, pursuant to chapter 447.

27 Section 712. Section 1012.37, Florida Statutes, is
28 created to read:

29 1012.37 Education paraprofessionals.--A district
30 school board may appoint education paraprofessionals to assist
31 members of the instructional staff in carrying out their

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1 duties and responsibilities. An education paraprofessional
2 shall not be required to hold a teaching certificate. An
3 education paraprofessional, while rendering services under the
4 supervision of a certified teacher, shall be accorded the same
5 protection of laws as that accorded the certified teacher.
6 Paid education paraprofessionals employed by a district school
7 board shall be entitled to the same rights as those accorded
8 noninstructional employees of the district school board.

9 Section 713. Section 1012.38, Florida Statutes, is
10 created to read:

11 1012.38 Education paraprofessional career
12 development.--

13 (1)(a) Each school district may adopt a program for
14 the career development of education paraprofessionals. The
15 purpose of the program is to provide to education
16 paraprofessionals a system of career development which is
17 based upon education and training advancement, and to furnish
18 economic incentives to encourage excellence among education
19 paraprofessionals.

20 (b) The adoption of each program is subject to chapter
21 447, and the implementation of a program is contingent upon
22 the agreement and ratification of the program by both the
23 employer and employees under s. 447.309.

24 (2) A district education paraprofessional career
25 development program must include voluntary participation by
26 paraprofessionals in five career development levels. The
27 district school board shall adopt a procedure for verifying
28 the competency levels of all persons who participate in the
29 career development program and a procedure to determine the
30 outcomes and results of the program and impact on student
31 performance.

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- 1 (3)(a) Level I.--To qualify for Level I, the person
2 must meet:
3 1. The health requirement established for certified
4 personnel.
5 2. The age requirements for certified personnel.
6 3. The local school district requirements for
7 employment.
8 (b) Level II.--To qualify for Level II, the person
9 must:
10 1. Have earned a high school diploma or the
11 equivalent.
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 1 year.
19 (c) Level III.--To qualify for Level III, the person
20 must:
21 1. Have completed 30 college semester hours or the
22 equivalent inservice hours.
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 (d) Level IV.--To qualify for Level IV, the person
31 must:

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1 1. Have completed 60 college semester hours or the
2 equivalent inservice hours.

3 2. Possess a clear understanding of state and district
4 rules and policies relevant to paraprofessionals.

5 3. Possess knowledge of all state and district
6 instructional practices and policies relevant to
7 paraprofessionals.

8 4. Have maintained satisfactory job performance of
9 appropriate skills and competencies for 2 years.

10 (e) Level V.--To qualify for Level V, the person must:

11 1. Have completed coursework to earn a bachelor of
12 arts or bachelor of science degree from an accredited
13 institution pursuant to s. 1012.56(2)(c).

14 2. Possess a clear understanding of state and district
15 rules and policies relevant to paraprofessionals.

16 3. Possess knowledge of all state and district
17 instructional practices and policies relevant to
18 paraprofessionals.

19 4. Have maintained satisfactory job performance of
20 appropriate skills and competencies for 2 years.

21 (4) Paraprofessionals may not:

22 (a) Establish instructional objectives;

23 (b) Make decisions regarding the relevancy of certain
24 activities or procedures to the attainment of instructional
25 objectives;

26 (c) Make decisions regarding the appropriateness of
27 certain teaching materials for accomplishing instructional
28 objectives; or

29 (d) Make judgments regarding the attainment of
30 instructional objectives unless these judgments are based upon
31 clear and objective criteria, such as specific achievement

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1 standards on a true-false test.

2 Section 714. Section 1012.39, Florida Statutes, is
3 created to read:

4 1012.39 Employment of substitute teachers, teachers of
5 adult education, nondegreed teachers of career education, and
6 career specialists; students performing clinical field
7 experience.--

8 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
9 1012.57, or any other provision of law or rule to the
10 contrary, each district school board shall establish the
11 minimal qualifications for:

12 (a) Substitute teachers to be employed pursuant to s.
13 1012.35. The qualifications shall require the filing of a
14 complete set of fingerprints in the same manner as required by
15 s. 1012.32.

16 (b) Part-time and full-time teachers in adult
17 education programs. The qualifications shall require the
18 filing of a complete set of fingerprints in the same manner as
19 required by s. 1012.32. Faculty employed solely to conduct
20 postsecondary instruction may be exempted from this
21 requirement.

22 (c) Part-time and full-time nondegreed teachers of
23 career and technical programs. Qualifications shall be
24 established for agriculture, business, health occupations,
25 family and consumer sciences, industrial, marketing, career
26 specialist, and public service education teachers, based
27 primarily on successful occupational experience rather than
28 academic training. The qualifications for such teachers shall
29 require:

30 1. The filing of a complete set of fingerprints in the
31 same manner as required by s. 1012.32. Faculty employed solely

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1 to conduct postsecondary instruction may be exempted from this
2 requirement.

3 2. Documentation of education and successful
4 occupational experience including documentation of:

5 a. A high school diploma or the equivalent.

6 b. Completion of 6 years of full-time successful
7 occupational experience or the equivalent of part-time
8 experience in the teaching specialization area. Alternate
9 means of determining successful occupational experience may be
10 established by the district school board.

11 c. Completion of career education training conducted
12 through the local school district inservice master plan.

13 d. For full-time teachers, completion of professional
14 education training in teaching methods, course construction,
15 lesson planning and evaluation, and teaching special needs
16 students. This training may be completed through coursework
17 from an accredited or approved institution or an approved
18 district teacher education program.

19 e. Demonstration of successful teaching performance.

20 (2) Substitute, adult education, and nondegreed career
21 education teachers who are employed pursuant to this section
22 shall have the same rights and protection of laws as certified
23 teachers.

24 (3) A student who is enrolled in a state-approved
25 teacher preparation program in a postsecondary educational
26 institution that is approved by rules of the State Board of
27 Education and who is jointly assigned by the postsecondary
28 educational institution and a district school board to perform
29 a clinical field experience under the direction of a regularly
30 employed and certified educator shall, while serving such
31 supervised clinical field experience, be accorded the same

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1 protection of law as that accorded to the certified educator
2 except for the right to bargain collectively as an employee of
3 the district school board.

4 Section 715. Section 1012.40, Florida Statutes, is
5 created to read:

6 1012.40 Educational support employees.--

7 (1) As used in this section:

8 (a) "Educational support employee" means any person
9 employed by a district school system who is employed as a
10 teacher assistant, an education paraprofessional, a member of
11 the transportation department, a member of the operations
12 department, a member of the maintenance department, a member
13 of food service, a secretary, or a clerical employee, or any
14 other person who by virtue of his or her position of
15 employment is not required to be certified by the Department
16 of Education or district school board pursuant to s. 1012.39.
17 This section does not apply to persons employed in
18 confidential or management positions. This section applies to
19 all employees who are not temporary or casual and whose duties
20 require 20 or more hours in each normal working week.

21 (b) "Employee" means any person employed as an
22 educational support employee.

23 (2)(a) Each educational support employee shall be
24 employed on probationary status for a period to be determined
25 through the appropriate collective bargaining agreement or by
26 district school board rule in cases where a collective
27 bargaining agreement does not exist.

28 (b) Upon successful completion of the probationary
29 period by the employee, the employee's status shall continue
30 from year to year unless the district school superintendent
31 terminates the employee for reasons stated in the collective

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1 bargaining agreement, or in district school board rule in
2 cases where a collective bargaining agreement does not exist,
3 or reduces the number of employees on a districtwide basis for
4 financial reasons.

5 (c) In the event a district school superintendent
6 seeks termination of an employee, the district school board
7 may suspend the employee with or without pay. The employee
8 shall receive written notice and shall have the opportunity to
9 formally appeal the termination. The appeals process shall be
10 determined by the appropriate collective bargaining process or
11 by district school board rule in the event there is no
12 collective bargaining agreement.

13 Section 716. Section 1012.41, Florida Statutes, is
14 created to read:

15 1012.41 Employment of directors of career and
16 technical education.--In order to receive state funding, each
17 district school board that employs at least 15 full-time
18 equivalent career and technical teachers must employ a
19 director of career and technical education who meets the
20 certification requirements established by the State Board of
21 Education. The directors shall be directly accountable to the
22 district school superintendent, or his or her designee, for
23 the planning and implementation of career and technical
24 programs. Two or more district school boards may employ a
25 single director.

26 Section 717. Section 1012.42, Florida Statutes, is
27 created to read:

28 1012.42 Teacher teaching out-of-field.--

29 (1) ASSISTANCE.--Each district school board shall
30 adopt and implement a plan to assist any teacher teaching
31 out-of-field, and priority consideration in professional

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1 development activities shall be given to teachers who are
2 teaching out-of-field. The district school board shall require
3 that such teachers participate in a certification or staff
4 development program designed to provide the teacher with the
5 competencies required for the assigned duties. The
6 board-approved assistance plan must include duties of
7 administrative personnel and other instructional personnel to
8 provide students with instructional services. Each district
9 school board shall contact its regional workforce board,
10 created pursuant to s. 445.007, to identify resources that may
11 assist teachers who are teaching out-of-field and who are
12 pursuing certification.

13 (2) NOTIFICATION REQUIREMENTS.--When a teacher in a
14 district school system is assigned teaching duties in a class
15 dealing with subject matter that is outside the field in which
16 the teacher is certified, outside the field that was the
17 applicant's minor field of study, or outside the field in
18 which the applicant has demonstrated sufficient subject area
19 expertise, as determined by district school board policy in
20 the subject area to be taught, the parents of all students in
21 the class shall be notified in writing of such assignment.

22 Section 718. Section 1012.43, Florida Statutes, is
23 created to read:

24 1012.43 Career and technical teachers.--

25 (1) Career and technical teachers and other teachers
26 who qualify for certificates on the basis of nonacademic
27 preparation shall be entitled to all the contractual rights
28 and privileges now granted to other instructional personnel
29 holding equivalent certificates.

30 (2) A holder of a certificate based on nonacademic
31 preparation which entitled him or her to employment to teach

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1 classes in career and technical or adult education shall not
2 be assigned to teach in a regular academic field of the
3 kindergarten through grade 12 school program.

4 Section 719. Section 1012.44, Florida Statutes, is
5 created to read:

6 1012.44 Qualifications for certain persons providing
7 speech-language services.--The State Board of Education shall
8 adopt rules for speech-language services to school districts
9 that qualify for the sparsity supplement as described in s.
10 1011.62(6). These services may be provided by baccalaureate
11 degree level persons for a period of 3 years. The rules shall
12 authorize the delivery of speech-language services by
13 baccalaureate degree level persons under the direction of a
14 certified speech-language pathologist with a master's degree
15 or higher. By October 1, 2003, these rules shall be reviewed
16 by the State Board of Education.

17 Section 720. Section 1012.45, Florida Statutes, is
18 created to read:

19 1012.45 School bus drivers; requirements and duties.--

20 (1) Each school bus driver must be of good moral
21 character, of good vision and hearing, able-bodied, free from
22 communicable disease, mentally alert, and sufficiently strong
23 physically to handle the bus with ease, and he or she must
24 possess other qualifications prescribed by the Commissioner of
25 Education, including those qualifications described in 49
26 C.F.R. s. 391, relating to physical qualifications and
27 examinations and 49 C.F.R. part 40 and part 382, relating to
28 controlled substance and alcohol use and testing, and he or
29 she must hold a valid commercial driver's license with a
30 passenger endorsement.

31 (2) Each school bus driver has the authority and

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1 responsibility to control students during the time students
2 are on the school bus pursuant to s. 1006.10.

3 (3) The State Board of Education shall adopt rules
4 outlining requirements that school bus drivers must meet
5 before they are employed by district school boards.

6 (4) Each district school board may provide a school
7 bus driver training program and may make this program
8 available to private school bus drivers by contract.

9 Section 721. Section 1012.46, Florida Statutes, is
10 created to read:

11 1012.46 Athletic trainers.--

12 (1) School districts may establish and implement an
13 athletic injuries prevention and treatment program. Central to
14 this program should be the employment and availability of
15 persons trained in the prevention and treatment of physical
16 injuries which may occur during athletic activities. The
17 program should reflect opportunities for progressive
18 advancement and compensation in employment as provided in
19 subsection (2) and meet certain other minimum standards
20 developed by the Department of Education. The goal of the
21 Legislature is to have school districts employ and have
22 available a full-time teacher athletic trainer in each high
23 school in the state.

24 (2) To the extent practicable, a school district
25 program should include the following employment classification
26 and advancement scheme:

27 (a) First responder.--To qualify as a first responder,
28 a person must possess a professional, temporary, part-time,
29 adjunct, or substitute certificate pursuant to s. 1012.56, be
30 certified in cardiopulmonary resuscitation, first aid, and
31 have 15 semester hours in courses such as care and prevention

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1 of athletic injuries, anatomy, physiology, nutrition,
2 counseling, and other similar courses approved by the
3 Commissioner of Education. This person may only administer
4 first aid and similar care.

5 (b) Teacher athletic trainer.--To qualify as a teacher
6 athletic trainer, a person must possess a professional,
7 temporary, part-time, adjunct, or substitute certificate
8 pursuant to s. 1012.35, s. 1012.56 or s. 1012.57, and be
9 licensed as required by part XIII of chapter 468.

10 Section 722. Part III.d. of chapter 1012, Florida
11 Statutes, shall be entitled "Educator Certification for Public
12 Schools; Renewal; Duties" and shall consist of ss.
13 1012.51-1012.595.

14 Section 723. Section 1012.51, Florida Statutes, is
15 created to read:

16 1012.51 Legislative intent; declaration.--It is the
17 intent and purpose of the Legislature that the practice of
18 teaching in the public school system and its related services,
19 including administering and supervisory services, shall be
20 designated as professional services. Teaching is hereby
21 declared to be a profession in Florida, with similar rights,
22 responsibilities, and privileges accorded other legally
23 recognized professions.

24 Section 724. Section 1012.52, Florida Statutes, is
25 created to read:

26 1012.52 Teacher quality; legislative findings.--

27 (1) The Legislature intends to implement a
28 comprehensive approach to increase students' academic
29 achievement and improve teaching quality. The Legislature
30 recognizes that professional educators play an important role
31 in shaping the future of this state and the nation by

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1 developing the knowledge and skills of our future workforce
2 and laying the foundation for good citizenship and full
3 participation in community and civic life. The Legislature
4 also recognizes its role in meeting the state's educational
5 priorities so as to provide opportunity for all students to
6 achieve at the levels set by the Sunshine State Standards.

7 (2) The Legislature further finds that effective
8 educators are able to do the following:

9 (a) Write and speak in a logical and understandable
10 style, using appropriate grammar and sentence structure, and
11 demonstrate a command of standard English, enunciation,
12 clarity of oral directions, and pace and precision in
13 speaking.

14 (b) Read, comprehend, and interpret professional and
15 other written material.

16 (c) Compute, think logically, and solve problems.

17 (d) Recognize signs of students' difficulty with the
18 reading and computational process and apply appropriate
19 measures to improve students' reading and computational
20 performance.

21 (e) Recognize patterns of physical, social, emotional,
22 and intellectual development in students, including
23 exceptional students in the regular classroom.

24 (f) Recognize and demonstrate awareness of the
25 educational needs of students who have limited proficiency in
26 English and employ appropriate teaching strategies.

27 (g) Use and integrate appropriate technology in
28 teaching and learning processes and in managing, evaluating,
29 and improving instruction.

30 (h) Use assessment and other diagnostic strategies to
31 assist the continuous development and acquisition of knowledge

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1 and understanding of the learner.

2 (i) Use teaching and learning strategies that include
3 consideration of each student's learning styles, needs, and
4 background.

5 (j) Demonstrate the ability to maintain a positive,
6 collaborative relationship with students' families to increase
7 student achievement.

8 (k) Recognize signs of tendency toward violence and
9 severe emotional distress in students and apply techniques of
10 crisis intervention.

11 (l) Recognize signs of alcohol and drug abuse in
12 students and know how to appropriately work with such students
13 and seek assistance designed to prevent future abuse.

14 (m) Recognize the physical and behavioral indicators
15 of child abuse and neglect and know rights and
16 responsibilities regarding reporting.

17 (n) Demonstrate the ability to maintain a positive
18 environment in the classroom while achieving order and
19 discipline.

20 (o) Demonstrate the ability to grade student
21 performance effectively.

22 (p) Demonstrate knowledge and understanding of the
23 value of, and strategies for, promoting parental involvement
24 in education.

25 Section 725. Section 1012.53, Florida Statutes, is
26 created to read:

27 1012.53 Duties of instructional personnel.--

28 (1) The primary duty of instructional personnel is to
29 work diligently and faithfully to help students meet or exceed
30 annual learning goals, to meet state and local achievement
31 requirements, and to master the skills required to graduate

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1 from high school prepared for postsecondary education and
2 work. This duty applies to instructional personnel whether
3 they teach or function in a support role.

4 (2) Members of the instructional staff of the public
5 schools shall perform duties prescribed by rules of the
6 district school board. The rules shall include, but are not
7 limited to, rules relating to a teacher's duty to help
8 students master challenging standards and meet all state and
9 local requirements for achievement; teaching efficiently and
10 faithfully, using prescribed materials and methods, including
11 technology-based instruction; recordkeeping; and fulfilling
12 the terms of any contract, unless released from the contract
13 by the district school board.

14 Section 726. Section 1012.54, Florida Statutes, is
15 created to read:

16 1012.54 Purpose of instructional personnel
17 certification.--It is the intent of the Legislature that
18 school personnel certified in this state possess the
19 credentials, knowledge, and skills necessary to allow the
20 opportunity for a high-quality education in the public
21 schools. The purpose of school personnel certification is to
22 protect the educational interests of students, parents, and
23 the public at large by assuring that teachers in this state
24 are professionally qualified. In fulfillment of its duty to
25 the citizens of this state, the Legislature has established
26 certification requirements to assure that educational
27 personnel in public schools possess appropriate skills in
28 reading, writing, and mathematics, and adequate pedagogical
29 knowledge, including the use of technology to enhance student
30 learning, and relevant subject matter competence so as to
31 demonstrate an acceptable level of professional performance.

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1 Further, the Legislature has established a certificate renewal
2 process which promotes the continuing professional improvement
3 of school personnel, thereby enhancing public education in all
4 areas of the state.

5 Section 727. Section 1012.55, Florida Statutes, is
6 created to read:

7 1012.55 Positions for which certificates required.--

8 (1) The State Board of Education shall classify school
9 services, designate the certification subject areas, establish
10 competencies, including the use of technology to enhance
11 student learning, and certification requirements for all
12 school-based personnel, and adopt rules in accordance with
13 which the professional, temporary, and part-time certificates
14 shall be issued by the Department of Education to applicants
15 who meet the standards prescribed by such rules for their
16 class of service. Each person employed or occupying a position
17 as school supervisor, school principal, teacher, library media
18 specialist, school counselor, athletic coach, or other
19 position in which the employee serves in an instructional
20 capacity, in any public school of any district of this state
21 shall hold the certificate required by law and by rules of the
22 State Board of Education in fulfilling the requirements of the
23 law for the type of service rendered. However, the state board
24 shall adopt rules authorizing district school boards to employ
25 selected noncertificated personnel to provide instructional
26 services in the individuals' fields of specialty or to assist
27 instructional staff members as education paraprofessionals.

28 (2) Each person who is employed and renders service as
29 an athletic coach in any public school in any district of this
30 state shall hold a valid temporary or professional certificate
31 or an athletic coaching certificate. The athletic coaching

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1 certificate may be used for either part-time or full-time
2 positions. The provisions of this subsection do not apply to
3 any athletic coach who voluntarily renders service and who is
4 not employed by any public school district of this state.

5 (3) Each person employed as a school nurse shall hold
6 a license to practice nursing in the state, and each person
7 employed as a school physician shall hold a license to
8 practice medicine in the state.

9 (4) A commissioned or noncommissioned military officer
10 who is an instructor of junior reserve officer training shall
11 be exempt from requirements for teacher certification, except
12 for the filing of fingerprints pursuant to s. 1012.32, if he
13 or she meets the following qualifications:

14 (a) Is retired from active military duty, pursuant to
15 chapter 102 of Title 10, U.S.C.

16 (b) Satisfies criteria established by the appropriate
17 military service for certification by the service as a junior
18 reserve officer training instructor.

19 (c) Has an exemplary military record.

20
21 If such instructor is assigned instructional duties other than
22 junior reserve officer training, he or she shall hold the
23 certificate required by law and rules of the state board for
24 the type of service rendered.

25 Section 728. Effective July 1, 2002, section 1012.56,
26 Florida Statutes, is created to read:

27 1012.56 Educator certification requirements.--

28 (1) APPLICATION.--Each person seeking certification
29 pursuant to this chapter shall submit a completed application
30 containing the applicant's social security number to the
31 Department of Education and remit the fee required pursuant to

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1 s. 1012.59 and rules of the State Board of Education. Pursuant
2 to the federal Personal Responsibility and Work Opportunity
3 Reconciliation Act of 1996, each party is required to provide
4 his or her social security number in accordance with this
5 section. Disclosure of social security numbers obtained
6 through this requirement shall be limited to the purpose of
7 administration of the Title IV-D program of the Social
8 Security Act for child support enforcement. Pursuant to s.
9 120.60, the department shall issue within 90 calendar days
10 after the stamped receipted date of the completed application:

11 (a) A certificate covering the classification, level,
12 and area for which the applicant is deemed qualified; or

13 (b) An official statement of status of eligibility.

14 The statement of status of eligibility must advise the
15 applicant of any qualifications that must be completed to
16 qualify for certification. Each statement of status of
17 eligibility is valid for 2 years after its date of issuance,
18 except as provided in paragraph (2)(d). A statement of status
19 of eligibility may be reissued for one additional 2-year
20 period if application is made while the initial statement of
21 status of eligibility is valid or within 1 year after the
22 initial statement expires, and if the certification subject
23 area is authorized to be issued by the state board at the time
24 the application requesting a reissued statement of status of
25 eligibility is received.

26 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
27 certification pursuant to this chapter, a person must:

28 (a) Be at least 18 years of age.

29 (b) File a written statement, under oath, that the
30 applicant subscribes to and will uphold the principles

31 incorporated in the Constitution of the United States and the

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1 Constitution of the State of Florida.

2 (c) Document receipt of a bachelor's or higher degree
3 from an accredited institution of higher learning, or a
4 nonaccredited institution of higher learning that the
5 Department of Education has identified as having a quality
6 program resulting in a bachelor's degree, or higher. Each
7 applicant seeking initial certification must have attained at
8 least a 2.5 overall grade point average on a 4.0 scale in the
9 applicant's major field of study. The applicant may document
10 the required education by submitting official transcripts from
11 institutions of higher education or by authorizing the direct
12 submission of such official transcripts through established
13 electronic network systems. The bachelor's or higher degree
14 may not be required in areas approved in rule by the State
15 Board of Education as nondegreed areas.

16 (d) Submit to a fingerprint check from the Department
17 of Law Enforcement and the Federal Bureau of Investigation
18 pursuant to s. 1012.32. If the fingerprint reports indicate a
19 criminal history or if the applicant acknowledges a criminal
20 history, the applicant's records shall be referred to the
21 Bureau of Educator Standards for review and determination of
22 eligibility for certification. If the applicant fails to
23 provide the necessary documentation requested by the Bureau of
24 Educator Standards within 90 days after the date of the
25 receipt of the certified mail request, the statement of
26 eligibility and pending application shall become invalid.

27 (e) Be of good moral character.

28 (f) Be competent and capable of performing the duties,
29 functions, and responsibilities of an educator.

30 (g) Demonstrate mastery of general knowledge, pursuant
31 to subsection (3).

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1 (h) Demonstrate mastery of subject area knowledge,
2 pursuant to subsection (4).

3 (i) Demonstrate mastery of professional preparation
4 and education competence, pursuant to subsection (5).

5 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of
6 demonstrating mastery of general knowledge are:

7 (a) Achievement of passing scores on basic skills
8 examination required by state board rule;

9 (b) Achievement of passing scores on the College Level
10 Academic Skills Test earned prior to July 1, 2002;

11 (c) A valid standard teaching certificate issued by
12 another state that requires an examination of mastery of
13 general knowledge;

14 (d) A valid standard teaching certificate issued by
15 another state and valid certificate issued by the National
16 Board for Professional Teaching Standards; or

17 (e) A valid standard teaching certificate issued by
18 another state and documentation of 2 years of continuous
19 successful full-time teaching or administrative experience
20 during the 5-year period immediately preceding the date of
21 application for certification.

22 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable
23 means of demonstrating mastery of subject area knowledge are:

24 (a) Achievement of passing scores on subject area
25 examinations required by state board rule;

26 (b) Completion of the subject area specialization
27 requirements specified in state board rule and verification of
28 the attainment of the essential subject matter competencies by
29 the district school superintendent of the employing school
30 district or chief administrative officer of the employing
31 state-supported or private school for a subject area for which

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1 a subject area examination has not been developed and required
2 by state board rule;

3 (c) Completion of the graduate level subject area
4 specialization requirements specified in state board rule for
5 a subject coverage requiring a master's or higher degree and
6 achievement of a passing score on the subject area examination
7 specified in state board rule;

8 (d) A valid standard teaching certificate issued by
9 another state that requires an examination of mastery of
10 subject area knowledge;

11 (e) A valid standard teaching certificate issued by
12 another state and valid certificate issued by the National
13 Board for Professional Teaching Standards; or

14 (f) A valid standard teaching certificate issued by
15 another state and documentation of 2 years of continuous
16 successful full-time teaching or administrative experience
17 during the 5-year period immediately preceding the date of
18 application for certification.

19 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
20 COMPETENCE.--Acceptable means of demonstrating mastery of
21 professional preparation and education competence are:

22 (a) Completion of an approved teacher preparation
23 program at a postsecondary educational institution within this
24 state and achievement of a passing score on the professional
25 education competency examination required by state board rule;

26 (b) Completion of a teacher preparation program at a
27 postsecondary educational institution outside Florida and
28 achievement of a passing score on the professional education
29 competency examination required by state board rule;

30 (c) A valid standard teaching certificate issued by
31 another state that requires an examination of mastery of

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1 professional education competence;

2 (d) A valid standard teaching certificate issued by
3 another state and valid certificate issued by the National
4 Board for Professional Teaching Standards;

5 (e) A valid standard teaching certificate issued by
6 another state and documentation of 2 years of continuous
7 successful full-time teaching or administrative experience
8 during the 5-year period immediately preceding the date of
9 application for certification;

10 (f) Completion of professional preparation courses as
11 specified in state board rule, successful completion of a
12 professional education competence demonstration program
13 pursuant to paragraph (7)(b), and achievement of a passing
14 score on the professional education competency examination
15 required by state board rule; or

16 (g) Successful completion of a professional
17 preparation alternative certification and education competency
18 program, outlined in paragraph (7)(a).

19 (6) TYPES AND TERMS OF CERTIFICATION.--

20 (a) The Department of Education shall issue a
21 professional certificate for a period not to exceed 5 years to
22 any applicant who meets all the requirements outlined in
23 subsection (2).

24 (b) The department shall issue a temporary certificate
25 to any applicant who completes the requirements outlined in
26 paragraphs (2)(a)-(f) and completes the subject area content
27 requirements specified in state board rule or demonstrates
28 mastery of subject area knowledge pursuant to subsection (4)
29 and holds an accredited degree or a degree approved by the
30 Department of Education at the level required for the subject
31 area specialization in state board rule.

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1 (c) The department shall issue one nonrenewable 2-year
2 temporary certificate and one nonrenewable 5-year professional
3 certificate to a qualified applicant who holds a bachelor's
4 degree in the area of speech-language impairment to allow for
5 completion of a master's degree program in speech-language
6 impairment.
7
8 Each temporary certificate is valid for 3 school fiscal years
9 and is nonrenewable. However, the requirement in paragraph
10 (2)(g) must be met within 1 calendar year of the date of
11 employment under the temporary certificate. Individuals who
12 are employed under contract at the end of the 1 calendar year
13 time period may continue to be employed through the end of the
14 school year in which they have been contracted. A school
15 district shall not employ, or continue the employment of, an
16 individual in a position for which a temporary certificate is
17 required beyond this time period if the individual has not met
18 the requirement of paragraph (2)(g). The State Board of
19 Education shall adopt rules to allow the department to extend
20 the validity period of a temporary certificate for 2 years
21 when the requirements for the professional certificate, not
22 including the requirement in paragraph (2)(g), were not
23 completed due to the serious illness or injury of the
24 applicant or other extraordinary extenuating circumstances.
25 The department shall reissue the temporary certificate for 2
26 additional years upon approval by the Commissioner of
27 Education. A written request for reissuance of the certificate
28 shall be submitted by the district school superintendent, the
29 governing authority of a university lab school, the governing
30 authority of a state-supported school, or the governing
31 authority of a private school.

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1 (7) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION
2 AND EDUCATION COMPETENCY PROGRAM.--

3 (a) The Department of Education shall develop and each
4 school district must provide a cohesive competency-based
5 professional preparation alternative certification program by
6 which members of a school district's instructional staff may
7 satisfy the mastery of professional preparation and education
8 competence requirements specified in this subsection and rules
9 of the State Board of Education. Participants must hold a
10 state-issued temporary certificate. A school district shall
11 provide a competency-based alternative certification
12 preparation program developed by the Department of Education
13 or developed by the district and approved by the Department of
14 Education. The program shall include the following components:

15 1. A minimum period of initial preparation prior to
16 assuming duties as the teacher of record.

17 2. An option for collaboration between school
18 districts and other supporting agencies for implementation.

19 3. Experienced peer mentors.

20 4. An assessment that provides for:

21 a. An initial evaluation of each educator's
22 competencies to determine an appropriate individualized
23 professional development plan.

24 b. A postevaluation to assure successful completion of
25 the program.

26 5. Professional education preparation content
27 knowledge that includes, but is not limited to, the following:

28 a. Requirements specified in state board rule for
29 professional preparation.

30 b. The educator-accomplished practices approved by the
31 state board.

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1 c. A variety of data indicators for student progress.

2 d. Methodologies, including technology-based
3 methodologies, for teaching subject content that supports the
4 Sunshine State Standards for students.

5 e. Techniques for effective classroom management.

6 f. Techniques and strategies for operationalizing the
7 role of the teacher in assuring a safe learning environment
8 for students.

9 g. Methodologies for assuring the ability of all
10 students to read, write, and compute.

11 6. Required achievement of passing scores on the
12 professional education competency examination required by
13 state board rule.

14 (b) Each school district must and a state supported
15 public school or a private school may develop and maintain a
16 system by which members of the instructional staff may
17 demonstrate mastery of professional education competence as
18 required by law. Each program must be based on classroom
19 application and instructional performance and must include a
20 performance evaluation plan for documenting the demonstration
21 of required professional education competence.

22 (8) EXAMINATIONS.--

23 (a) The Commissioner of Education, with the approval
24 of the State Board of Education, may contract for developing,
25 printing, administering, scoring, and appropriate analysis of
26 the written examinations required.

27 (b) The State Board of Education shall, by rule,
28 specify the examination scores that are required for the
29 issuance of a professional certificate and temporary
30 certificate. Such rules must define generic subject area
31 competencies and must establish uniform evaluation guidelines.

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1 (c) The State Board of Education shall designate the
2 certification areas for subject area examinations. All
3 required examinations may be taken prior to graduation.

4 (d) If an applicant takes an examination developed by
5 this state and does not achieve the score necessary for
6 certification, the applicant may review his or her completed
7 examination and bring to the attention of the department any
8 errors that would result in a passing score.

9 (e) For any examination developed by this state, the
10 Department of Education and the State Board of Education shall
11 maintain confidentiality of the examination, developmental
12 materials, and workpapers, which are exempt from s. 119.07(1).

13 (f) The examinations used for demonstration of mastery
14 of general knowledge, professional education competence, and
15 subject area knowledge shall be aligned with student standards
16 approved by the state board. The delivery system for these
17 examinations shall provide for overall efficiency,
18 user-friendly application, reasonable accessibility to
19 prospective teachers, and prompt attainment of examination
20 results. The examination of competency for demonstration of
21 subject area knowledge shall be sufficiently comprehensive to
22 assess subject matter expertise for individuals who have
23 acquired subject knowledge either through college credit or by
24 other means.

25 (g) All examination instruments, including
26 developmental materials and workpapers directly related
27 thereto, which are prepared, prescribed, or administered
28 pursuant to this section shall be confidential and exempt from
29 the provisions of s. 119.07(1) and from s. 1001.52. Provisions
30 governing access to, maintenance of, and destruction of such
31 instruments and related materials shall be prescribed by rules

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1 of the State Board of Education.

2 (9) NONCITIZENS.--

3 (a) The State Board of Education may adopt rules for
4 issuing certificates to noncitizens who are needed to teach
5 and who are legally admitted to the United States through the
6 United States Immigration and Naturalization Service. The
7 filing of a written oath to uphold the principles of the
8 Constitution of the United States and the Constitution of the
9 State of Florida, required under paragraph (2)(b), does not
10 apply to individuals assigned to teach on an exchange basis.

11 (b) A certificate may not be issued to a citizen of a
12 nation controlled by forces that are antagonistic to
13 democratic forms of government, except to an individual who
14 has been legally admitted to the United States through the
15 United States Immigration and Naturalization Service.

16 (10) DENIAL OF CERTIFICATE.--

17 (a) The Department of Education may deny an applicant
18 a certificate if the department possesses evidence
19 satisfactory to it that the applicant has committed an act or
20 acts, or that a situation exists, for which the Education
21 Practices Commission would be authorized to revoke a teaching
22 certificate.

23 (b) The decision of the department is subject to
24 review by the Education Practices Commission upon the filing
25 of a written request from the applicant within 20 days after
26 receipt of the notice of denial.

27 (11) STATE BOARD RULES.--The State Board of Education
28 shall adopt rules pursuant to ss. 120.536 and 120.54, as
29 necessary to implement this section.

30 (12) PRIOR APPLICATION.--Persons who apply for
31 certification are governed by the law and rules in effect at

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1 the time of application for issuance of the initial
2 certificate, provided that continuity of certificates is
3 maintained.

4 (13) PERSONNEL RECORDS.--The Department of Education
5 shall maintain a complete statement of the academic
6 preparation, professional training, and teaching experience of
7 each person to whom a certificate is issued. The applicant or
8 the district school superintendent shall furnish the
9 information using a format or forms provided by the
10 department.

11 (14) AUTHORITY OF COMMISSIONER.--The Commissioner of
12 Education may make decisions regarding an applicant's
13 certification under extenuating circumstances not otherwise
14 provided for in statute or by rule. However, an applicant for
15 certification approved by the commissioner must possess the
16 credentials, knowledge, and skills necessary to provide
17 quality education in the public schools.

18 (15) COMPARISON OF ROUTES TO A PROFESSIONAL
19 CERTIFICATE.--Beginning with the 2003-2004 school year, the
20 Department of Education shall conduct a longitudinal study to
21 compare performance of certificateholders who are employed in
22 Florida school districts. The study shall compare a sampling
23 of educators who have qualified for a professional certificate
24 since July 1, 2002, based on the following:

25 (a) Graduation from a state-approved teacher
26 preparation program.

27 (b) Completion of a state-approved professional
28 preparation and education competency program.

29 (c) A valid standard teaching certificate issued by a
30 state other than Florida.

31

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1 The department comparisons shall be made to determine if there
2 is any significant difference in the performance of these
3 groups of teachers, as measured by their students' achievement
4 levels and learning gains as measured by s. 1008.22.

5 Section 729. Section 1012.565, Florida Statutes, is
6 created to read:

7 1012.565 Educator certification for blind and visually
8 impaired students.--As a part of the certification process,
9 teachers certified in the education of blind and visually
10 impaired students shall be required to demonstrate competence
11 in reading, writing, and teaching braille pursuant to
12 standards adopted by the Department of Education, comparable
13 to the braille reading and writing standards adopted by the
14 National Library Service for the Blind and Physically
15 Handicapped, Library of Congress, Washington, D.C. The
16 department shall ensure that teachers of students with visual
17 impairments have access to inservice instruction for the
18 purpose of updating their braille skill competence.

19 Section 730. Section 1012.57, Florida Statutes, is
20 created to read:

21 1012.57 Certification of adjunct educators.--
22 (1) Notwithstanding the provisions of ss. 1012.32,
23 1012.55, and 1012.56, or any other provision of law or rule to
24 the contrary, district school boards may issue an adjunct
25 teaching certificate to any applicant who fulfills the
26 requirements of s. 1012.56(2)(a)-(f) and who has expertise in
27 the subject area to be taught. An applicant shall be
28 considered to have expertise in the subject area to be taught
29 if the applicant has at least a minor in the subject area or
30 demonstrates sufficient subject area mastery as determined by
31 district school board policy. The adjunct teaching certificate

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1 shall be used for part-time teaching positions. The intent of
2 this provision is to allow school districts to tap the wealth
3 of talent and expertise represented in Florida's citizens who
4 may wish to teach part-time in a Florida public school by
5 permitting school districts to issue adjunct certificates.
6 Adjunct certificateholders should be used as a strategy to
7 reduce the teacher shortage; thus, adjunct certificateholders
8 should supplement a school's instructional staff, not supplant
9 it. Each school principal shall assign an experienced peer
10 mentor to assist the adjunct teaching certificateholder during
11 the certificateholder's first year of teaching, and an adjunct
12 certificateholder may participate in a district's new teacher
13 training program. District school boards shall provide the
14 adjunct teaching certificateholder an orientation in classroom
15 management prior to assigning the certificateholder to a
16 school. Each adjunct teaching certificate is valid for 5
17 school years and is renewable if:

18 (a) The applicant completes a minimum of 60 inservice
19 points or 3 semester hours of college credit. The earned
20 credits must include instruction in classroom management,
21 district school board procedures, school culture, and other
22 activities that enhance the professional teaching skills of
23 the certificateholder.

24 (b) The applicant has received satisfactory
25 performance evaluations during each year of teaching under
26 adjunct teaching certification.

27 (2) Individuals who are certified and employed
28 pursuant to this section shall have the same rights and
29 protection of laws as teachers certified pursuant to s.
30 1012.56.

31 Section 731. Section 1012.575, Florida Statutes, is

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1 created to read:

2 1012.575 Alternative preparation programs for
3 certified teachers to add additional coverage.--A district
4 school board may design alternative teacher preparation
5 programs to enable persons already certificated to add an
6 additional coverage to their certificates. Each alternative
7 teacher preparation program shall be reviewed and approved by
8 the Department of Education to assure that persons who
9 complete the program are competent in the necessary areas of
10 subject matter specialization. Two or more school districts
11 may jointly participate in an alternative preparation program
12 for teachers.

13 Section 732. Section 1012.58, Florida Statutes, is
14 created to read:

15 1012.58 Transition to Teaching Program.--

16 (1) LEGISLATIVE INTENT.--The Transition to Teaching
17 Program is created to encourage and assist midcareer
18 professionals who want to become teachers.

19 (2) GRANTS; ELIGIBLE APPLICANTS.--

20 (a) The Commissioner of Education shall design the
21 process for receiving and evaluating grant proposals in
22 accordance with state and federal appropriations guidelines.
23 Grants may be awarded only to the extent that funding is
24 provided.

25 (b) The Commissioner of Education shall request
26 proposals from eligible applicants to participate in the
27 program. Each application must:

28 1. Describe the target group of career-changing
29 professionals upon which the applicant will focus in carrying
30 out its program, including a description of the
31 characteristics of the target group that shows how the

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1 knowledge and experience of its members are likely to improve
2 their ability to become effective teachers.

3 2. Describe how the applicant will identify and
4 recruit program participants.

5 3. Describe how the applicant will ensure that program
6 participants are placed and teach in eligible school districts
7 in this state.

8 4. Describe the teacher support services that program
9 participants will receive throughout at least their first year
10 of teaching.

11 5. Describe how the applicant will collaborate with
12 other institutions, agencies, or organizations to recruit,
13 train, place, and support program participants, including
14 evidence of the commitment of those institutions, agencies, or
15 organizations to the applicant's program.

16 (c) The Commissioner of Education must require an
17 evaluation process to measure the progress and effectiveness
18 of the program. This evaluation must include:

19 1. The program's goals and objectives.

20 2. The performance indicators that the applicant will
21 use to measure the program's progress.

22 3. The outcome measures that will be used to determine
23 the program's effectiveness.

24 4. An assurance that the applicant will provide the
25 commissioner with information the commissioner finds necessary
26 to determine the overall effectiveness of the programs.

27 (3) PROGRAM IMPLEMENTATION; AUTHORIZED EXPENDITURES.--

28 (a) An applicant shall estimate the funds required for
29 the proposed program. All funds provided for a program must be
30 used as authorized in federal guidelines.

31 (b) Eligible applicants are encouraged to implement

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1 the program using the following components:

2 1. Recruiting program participants, including
3 informing them of opportunities under the program and putting
4 them in contact with other institutions, agencies, or
5 organizations that will train, place, and support them in the
6 teaching profession.

7 2. Assisting providers of teacher training to tailor
8 their training to meet the particular needs of professionals
9 who are changing their careers to teaching.

10 3. Placement activities, including identifying
11 eligible local education agencies with a need for the skills
12 and characteristics of the newly trained program participants
13 and assisting those participants to obtain employment in those
14 school districts.

15 4. Post-placement support activities for program
16 participants.

17 (4) ELIGIBLE PARTICIPANTS; REQUIREMENTS FOR GRANT
18 REPAYMENT.--

19 (a) Each participant who receives a grant from the
20 program to pursue a teacher preparation program must agree to
21 teach in an eligible school district in this state for at
22 least 3 years after certification. To be eligible, a school
23 district must meet the requirements established in regulations
24 that implement the Omnibus Appropriations Bill of 2000.

25 (b) The commissioner shall establish conditions under
26 which a participant must repay all or a portion of the
27 training stipend if the participant fails to complete his or
28 her service obligation.

29 Section 733. Section 1012.585, Florida Statutes, is
30 created to read:

31 1012.585 Process for renewal of professional

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1 certificates.--

2 (1)(a) District school boards in this state shall
3 renew state-issued professional certificates as follows:

4 1. Each district school board shall renew state-issued
5 professional certificates for individuals who hold a
6 professional certificate by this state and are employed by
7 that district pursuant to criteria established in subsections
8 (2), (3), and (4) and rules of the State Board of Education.

9 2. The employing school district may charge the
10 individual an application fee not to exceed the amount charged
11 by the Department of Education for such services, including
12 associated late renewal fees. Each district school board
13 shall transmit monthly to the department a fee in an amount
14 established by the State Board of Education for each renewed
15 certificate. The fee shall not exceed the actual cost for
16 maintenance and operation of the statewide certification
17 database and for the actual costs incurred in printing and
18 mailing such renewed certificates. As defined in current rules
19 of the state board, the department shall contribute a portion
20 of such fee for purposes of funding the Educator Recovery
21 Network established in s. 1012.798. The department shall
22 deposit all funds into the Educational Certification Trust
23 Fund for use as specified in s. 1012.59.

24 (b) The department shall renew state-issued
25 professional certificates for individuals who are not employed
26 by a district school board of this state pursuant to criteria
27 established in subsections (2), (3), and (4) and requirements
28 specified in rules of the state board.

29 (2)(a) All professional certificates, except a
30 nonrenewable professional certificate, shall be renewable for
31 successive periods not to exceed 5 years after the date of

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1 submission of documentation of completion of the requirements
2 for renewal provided in subsection (3). Only one renewal may
3 be granted during each 5-year validity period of a
4 professional certificate.

5 (b) A teacher with national certification from the
6 National Board for Professional Teaching Standards is deemed
7 to meet state renewal requirements for the life of the
8 teacher's national certificate in the subject shown on the
9 national certificate.

10 (c) If the renewal application form is not received by
11 the department or by the employing school district before the
12 expiration of the professional certificate, the application
13 form, application fee, and a late fee must be submitted before
14 July 1 of the year following expiration of the certificate in
15 order to renew the professional certificate.

16 (d) The State Board of Education shall adopt rules to
17 allow a 1-year extension of the validity period of a
18 professional certificate in the event of serious illness,
19 injury, or other extraordinary extenuating circumstances of
20 the applicant. The department shall grant such 1-year
21 extension upon written request by the applicant or by the
22 district school superintendent or the governing authority of a
23 university lab school, state-supported school, or private
24 school that employs the applicant.

25 (3) For the renewal of a professional certificate, the
26 following requirements must be met:

27 (a) The applicant must earn a minimum of 6 college
28 credits or 120 inservice points or a combination thereof. For
29 each area of specialization to be retained on a certificate,
30 the applicant must earn at least 3 of the required credit
31 hours or equivalent inservice points in the specialization

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1 area. Education in "clinical educator" training pursuant to s.
2 1004.04(5)(b) and credits or points that provide training in
3 the area of exceptional student education, normal child
4 development, and the disorders of development may be applied
5 toward any specialization area. Credits or points that provide
6 training in the areas of drug abuse, child abuse and neglect,
7 strategies in teaching students having limited proficiency in
8 English, or dropout prevention, or training in areas
9 identified in the educational goals and performance standards
10 adopted pursuant to ss. 1000.03(5) and 1001.23 may be applied
11 toward any specialization area. Credits or points earned
12 through approved summer institutes may be applied toward the
13 fulfillment of these requirements. Inservice points may also
14 be earned by participation in professional growth components
15 approved by the State Board of Education and specified
16 pursuant to s. 1012.98 in the district's approved master plan
17 for inservice educational training, including, but not limited
18 to, serving as a trainer in an approved teacher training
19 activity, serving on an instructional materials committee or a
20 state board or commission that deals with educational issues,
21 or serving on an advisory council created pursuant to s.
22 229.58.

23 (b) In lieu of college course credit or inservice
24 points, the applicant may renew a specialization area by
25 passage of a state board approved subject area test.

26 (c) If an applicant wishes to retain more than two
27 specialization areas on the certificate, the applicant shall
28 be permitted two successive validity periods for renewal of
29 all specialization areas, but must earn no fewer than 6
30 college course credit hours or the equivalent in any one
31 validity period.

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1 (d) The State Board of Education shall adopt rules for
2 the expanded use of training for renewal of the professional
3 certificate for educators who are required to complete
4 training in teaching students of limited English proficiency
5 as follows:

6 1. A teacher who holds a professional certificate may
7 use college credits or inservice points completed in
8 English-for-Speakers-of-Other-Languages training in excess of
9 6 semester hours during one certificate-validity period toward
10 renewal of the professional certificate during the subsequent
11 validity periods.

12 2. A teacher who holds a temporary certificate may use
13 college credits or inservice points completed in
14 English-for-Speakers-of-Other-Languages training toward
15 renewal of the teacher's first professional certificate. Such
16 training must not have been included within the degree
17 program, and the teacher's temporary and professional
18 certificates must be issued for consecutive school years.

19 (4) When any person who holds a valid temporary
20 certificate or professional certificate is called into or
21 volunteers for actual wartime service or required peacetime
22 military service training, the certificate shall be renewed
23 for a period of time equal to the time spent in military
24 service if the person makes proper application and presents
25 substantiating evidence to the department or the employing
26 school district regarding such military service.

27 (5) The State Board of Education shall adopt rules to
28 allow the reinstatement of expired professional certificates.
29 The department may reinstate an expired professional
30 certificate if the certificateholder:

31 (a) Submits an application for reinstatement of the

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1 expired certificate.

2 (b) Documents completion of 6 college credits during
3 the 5 years immediately preceding reinstatement of the expired
4 certificate, completion of 120 inservice points, or a
5 combination thereof, in an area specified in paragraph (3)(a).

6 (c) During the 5 years immediately preceding
7 reinstatement of the certificate, achieves a passing score on
8 the subject area test for each subject to be shown on the
9 reinstated certificate.

10

11 The requirements of this subsection may not be satisfied by
12 subject area tests or college credits completed for issuance
13 of the certificate that has expired.

14 Section 734. Section 1012.59, Florida Statutes, is
15 created to read:

16 1012.59 Certification fees.--

17 (1) The State Board of Education, by rule, shall
18 establish separate fees for applications, examinations,
19 certification, certification renewal, late renewal,
20 recordmaking, and recordkeeping, and may establish procedures
21 for scheduling and administering an examination upon an
22 applicant's request. Each fee shall be based on department
23 estimates of the revenue required to implement the provisions
24 of law with respect to certification of school personnel. The
25 application fee shall be nonrefundable. Each examination fee
26 shall be sufficient to cover the actual cost of developing and
27 administering the examination, but shall not exceed \$100 for
28 an examination.

29 (2) The proceeds from the collection of certification
30 fees, fines, penalties, and costs levied pursuant to this
31 chapter shall be remitted by the Department of Education to

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1 the Treasurer for deposit into a separate fund to be known as
2 the "Educational Certification and Service Trust Fund" and
3 disbursed for the payment of expenses incurred by the
4 Educational Practices Commission and in the printing of forms
5 and bulletins and the issuing of certificates, upon vouchers
6 approved by the department.

7 Section 735. Section 1012.595, Florida Statutes, is
8 created to read:

9 1012.595 Saving clause.--Each applicant who was issued
10 a certificate by the Department of Education prior to June 25,
11 1986, shall be entitled to hold such certificate. Henceforth,
12 such certificate shall be renewed in accordance with the
13 provisions of chapter 86-156, Laws of Florida. No judicial or
14 administrative proceeding against a holder of a certificate
15 shall be abated as a result of this chapter.

16 Section 736. Part III.e. of chapter 1012, Florida
17 Statutes, shall be entitled "Leave, Retirement, Workers'
18 Compensation in Public Schools" and shall consist of ss.
19 1012.61-1012.695.

20 Section 737. Section 1012.61, Florida Statutes, is
21 created to read:

22 1012.61 Sick leave.--

23 (1) ELIGIBILITY.--Any member of the instructional
24 staff or any other employee of a district school system
25 employed on a full-time basis in the public schools of the
26 state who is unable to perform his or her duty in the school
27 on account of personal sickness, accident disability, or
28 extended personal illness, or because of illness or death of
29 father, mother, brother, sister, husband, wife, child, other
30 close relative, or member of his or her own household, and
31 consequently has to be absent from his or her work shall be

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1 granted leave of absence for sickness by the district school
2 superintendent or by someone designated in writing by the
3 district school superintendent to do so.

4 (2) PROVISIONS GOVERNING SICK LEAVE.--The following
5 provisions shall govern sick leave:

6 (a) Extent of leave.--

7 1. Each member of the instructional staff employed on
8 a full-time basis is entitled to 4 days of sick leave as of
9 the first day of employment of each contract year and shall
10 thereafter earn 1 day of sick leave for each month of
11 employment, which shall be credited to the member at the end
12 of that month and which may not be used before it is earned
13 and credited to the member. Each other employee shall be
14 credited with 4 days of sick leave at the end of the first
15 month of employment of each contract year and shall thereafter
16 be credited for 1 day of sick leave for each month of
17 employment, which shall be credited to the employee at the end
18 of the month and which may not be used before it is earned and
19 credited to the employee. However, each member of the
20 instructional staff and each other employee is entitled to
21 earn no more than 1 day of sick leave times the number of
22 months of employment during the year of employment. If the
23 employee terminates his or her employment and has not accrued
24 the 4 days of sick leave available to him or her, the district
25 school board may withhold the average daily amount for the
26 days of sick leave used but unearned by the employee. Such
27 leave may be taken only when necessary because of sickness as
28 prescribed in this section. The sick leave shall be
29 cumulative from year to year. There shall be no limit on the
30 number of days of sick leave which a member of the
31 instructional staff or an educational support employee may

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1 accrue, except that at least one-half of this cumulative leave
2 must be established within the district granting such leave.

3 2. A district school board may establish policies and
4 prescribe standards to permit an employee to be absent 6 days
5 each school year for personal reasons. However, such absences
6 for personal reasons must be charged only to accrued sick
7 leave, and leave for personal reasons is noncumulative.

8 3. District school boards may adopt rules permitting
9 the annual payment for accumulated sick leave that is earned
10 for that year and that is unused at the end of the school
11 year, based on the daily rate of pay of the employee
12 multiplied by up to 80 percent. Days for which such payment
13 is received shall be deducted from the accumulated leave
14 balance. Such annual payment may apply only to instructional
15 staff and educational support employees.

16 4. A district school board may establish policies to
17 provide terminal pay for accumulated sick leave to
18 instructional staff and educational support employees of the
19 district school board. If termination of employment is by
20 death of the employee, any terminal pay to which the employee
21 may have been entitled may be made to his or her beneficiary.
22 However, such terminal pay may not exceed an amount determined
23 as follows:

24 a. During the first 3 years of service, the daily rate
25 of pay multiplied by 35 percent times the number of days of
26 accumulated sick leave.

27 b. During the next 3 years of service, the daily rate
28 of pay multiplied by 40 percent times the number of days of
29 accumulated sick leave.

30 c. During the next 3 years of service, the daily rate
31 of pay multiplied by 45 percent times the number of days of

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1 accumulated sick leave.

2 d. During the next 3 years of service, the daily rate
3 of pay multiplied by 50 percent times the number of days of
4 accumulated sick leave.

5 e. During and after the 13th year of service, the
6 daily rate of pay multiplied by 100 percent times the number
7 of days of accumulated sick leave.

8 5. A district school board may establish policies to
9 provide terminal pay for accumulated sick leave to any
10 full-time employee of the district school board other than
11 instructional staff or educational support employees as
12 defined in this section. If termination of the employee is by
13 death of the employee, any terminal pay to which the employee
14 may have been entitled may be made to the employee's
15 beneficiary.

16 a. Terminal pay may not exceed one-fourth of all
17 unused sick leave accumulated on or after July 1, 2001, and
18 may not exceed a maximum of 60 days of actual payment. This
19 limit does not impair any contractual agreement established
20 before July 1, 2001; however, a previously established
21 contract renewed on or after July 1, 2001, constitutes a new
22 contract.

23 b. For unused sick leave accumulated before July 1,
24 2001, terminal payment shall be made pursuant to a district
25 school board's policies, contracts, or rules that are in
26 effect on June 30, 2001.

27 c. If an employee has an accumulated sick leave
28 balance of 60 days of actual payment or more prior to July 1,
29 2001, sick leave earned after that date may not be accumulated
30 for terminal pay purposes until the accumulated leave balance
31 for leave earned before July 1, 2001, is less than 60 days.

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1 (b) Claim must be filed.--Any district school board
2 employee who finds it necessary to be absent from his or her
3 duties because of illness, as defined in this section, shall
4 notify his or her immediate supervisor, if possible, before
5 the beginning of the workday on which the employee must be
6 absent or during that day, except for emergency reasons
7 recognized by the district school board as valid. Any
8 district school board employee shall, before claiming and
9 receiving compensation for the time absent from his or her
10 duties while absent because of sick leave as prescribed in
11 this section, make and file within 5 working days following
12 his or her return from such absence with the district school
13 superintendent of the district in which he or she is so
14 employed a written certificate which shall set forth the day
15 or days absent, that such absence was necessary, and that the
16 employee is entitled or not entitled to receive pay for such
17 absence in accordance with the provisions of this section;
18 however, the district school board of any district may adopt
19 rules under which the district school superintendent may
20 require a certificate of illness from a licensed physician or
21 from the county health officer.

22 (c) Compensation.--Any employee having unused sick
23 leave credit shall receive full-time compensation for the time
24 justifiably absent on sick leave, but no compensation may be
25 allowed beyond that which may be provided in subsection (4).

26 (d) Expenditure authorized.--District school boards
27 may expend public funds for payment to employees on account of
28 sickness. The expending and excluding of such funds shall be
29 in compliance with rules adopted by the Department of
30 Management Services pursuant to chapter 650.

31 (e) Use by family member.--Each district school system

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1 must provide a policy under which a district employee may
2 authorize his or her spouse, child, parent, or sibling who is
3 also a district employee to use sick leave that has accrued to
4 the authorizing employee. In developing the policy, the
5 district school board must provide that the recipient may not
6 use the donated sick leave until all of his or her sick leave
7 has been depleted, excluding sick leave from a sick leave
8 pool, if the recipient participates in a sick leave pool.
9 Donated sick leave under this paragraph shall have no terminal
10 value as provided in s. 1012.61(2).

11 (3) SICK LEAVE POOL.--Notwithstanding any other
12 provision of this section, a district school board, based upon
13 the maintenance of reliable and accurate records by the
14 district school system showing the amount of sick leave which
15 has been accumulated and is unused by employees in accordance
16 with this section, may, by rule or collective bargaining
17 agreement, establish one or more plans allowing participating
18 full-time employees of a district school system to pool sick
19 leave accrued and allowing any sick leave thus pooled to be
20 disbursed to any participating employee who is in need of sick
21 leave in excess of that amount he or she has personally
22 accrued. Such rules or agreements shall include, but not be
23 limited to, the following provisions:

24 (a) Participation in any sick leave pool shall at all
25 times be voluntary on the part of employees.

26 (b) Any full-time employee shall be eligible for
27 participation in any sick leave pool after 1 year of
28 employment with the district school system, provided the
29 employee has accrued a minimum amount of unused sick leave
30 which shall be established by rule and provided, further, a
31 sick leave pool is established that allows participation by

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1 that particular employee.

2 (c) Any sick leave pooled pursuant to this section
3 shall be removed from the personally accumulated sick leave
4 balance of the employee donating such leave.

5 (d) Participating employees shall make equal
6 contributions to the sick leave pool. There shall be
7 established a maximum amount of sick leave which may be
8 contributed by an employee to the pool. After the initial
9 contribution which an employee makes upon electing to
10 participate, no further contributions shall be required except
11 as may be necessary to replenish the pool. Any such further
12 contribution shall be equally required of all employees
13 participating in the pool.

14 (e) Any sick leave time drawn from the pool by a
15 participating employee must be used for said employee's
16 personal illness, accident, or injury.

17 (f) A participating employee is not eligible to use
18 sick leave from the pool until all of his or her sick leave
19 has been depleted, unless otherwise agreed to in a collective
20 bargaining agreement. There shall be established a maximum
21 number of days for which an employee may draw sick leave from
22 the sick leave pool.

23 (g) A participating employee who uses sick leave from
24 the pool is not required to recontribute such sick leave to
25 the pool, except as otherwise provided in this section.

26 (h) A participating employee who chooses to no longer
27 participate in the sick leave pool is not eligible to withdraw
28 any sick leave already contributed to the pool.

29 (i) Alleged abuse of the use of the sick leave pool
30 shall be investigated and, on a finding of wrongdoing, the
31 employee shall repay all of the sick leave credits drawn from

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1 the sick leave pool and be subject to such other disciplinary
2 action as determined by the district school board to be
3 appropriate. Rules adopted for the administration of this
4 program shall provide for the investigation of the use of sick
5 leave utilized by the participating employee in the sick leave
6 pool.

7 Section 738. Section 1012.62, Florida Statutes, is
8 created to read:

9 1012.62 Transfer of sick leave and annual leave.--In
10 implementing the provisions of ss. 1001.42(4)(n) and
11 402.22(1)(d), educational personnel in Department of Children
12 and Family Services residential care facilities who are
13 employed by a district school board may request, and the
14 district school board shall accept, a lump-sum transfer of
15 accumulated sick leave for such personnel to the maximum
16 allowed by policies of the district school board,
17 notwithstanding the provisions of s. 110.122. Educational
18 personnel in Department of Children and Family Services
19 residential care facilities who are employed by a district
20 school board under the provisions of s. 402.22(1)(d) may
21 request, and the district school board shall accept, a
22 lump-sum transfer of accumulated annual leave for each person
23 employed by the district school board in a position in the
24 district eligible to accrue vacation leave under policies of
25 the district school board.

26 Section 739. Section 1012.63, Florida Statutes, is
27 created to read:

28 1012.63 Illness-in-line-of-duty leave.--Any district
29 school board employee shall be entitled to
30 illness-in-line-of-duty leave when he or she has to be absent
31 from his or her duties because of a personal injury received

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1 in the discharge of duty or because of illness from any
2 contagious or infectious disease contracted in school work.

3 The following requirements shall be observed:

4 (1) DURATION OF LEAVE AND COMPENSATION.--Leave of the
5 district school board employee shall be authorized for a total
6 of not to exceed 10 school days during any school year for
7 illness contracted, or injury incurred, from the causes
8 prescribed above. However, in the case of sickness or injury
9 occurring under such circumstances as in the opinion of the
10 district school board warrant it, additional emergency sick
11 leave may be granted out of local funds for such term and
12 under such conditions as the district school board deems
13 proper. The district school board may carry insurance to
14 safeguard the district school board against excessive payments
15 during any year.

16 (2) CLAIMS.--Any district school board employee who
17 has any claim for compensation while absent because of illness
18 contracted or injury incurred as prescribed herein shall file
19 a claim in the manner prescribed in s. 1012.61(2)(b) within 5
20 working days following the employee's return from such
21 absence. The school board of the district in which such person
22 is employed shall approve the claims and authorize the payment
23 thereof if the district school board is satisfied that the
24 claim correctly states the facts and that the claim is
25 entitled to payment in accordance with the provisions of this
26 section.

27 Section 740. Section 1012.64, Florida Statutes, is
28 created to read:

29 1012.64 Sabbatical leave.--

30 (1) Any member of the instructional staff of any
31 school district may be granted sabbatical leave for a period

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1 not to exceed 1 year. A person who receives such leave may be
2 paid one-half of his or her ordinary salary during the period
3 of such leave, or in accordance with negotiated agreement or
4 district school board policy, and shall receive full benefits
5 during such period. A person compensated under this section
6 may not be compensated for other employment during the period
7 of sabbatical leave so that he or she would receive combined
8 compensation in excess of his or her ordinary salary.

9 (2) Funds, not to exceed 25 percent, of the district's
10 allocation for inservice training under s. 1011.62(3) or other
11 district funds may be expended in order to fulfill the
12 provisions of this section, provided that the district
13 allocates \$5 of district funds for each \$1 of state inservice
14 training funds expended under this subsection.

15 (3) Each district school board shall adopt rules to
16 implement this section.

17 Section 741. Section 1012.65, Florida Statutes, is
18 created to read:

19 1012.65 Terminal pay for accrued vacation leave.--A
20 district school board may establish policies to provide for a
21 lump-sum payment for accrued vacation leave to an employee of
22 the district school board upon termination of employment or
23 upon retirement, or to the employee's beneficiary if service
24 is terminated by death. Effective July 1, 2001, terminal pay
25 for accrued vacation leave may not exceed a maximum of 60 days
26 of actual payment. This limit does not impair any contractual
27 agreement established before July 1, 2001. For unused vacation
28 leave accumulated before July 1, 2001, terminal payment shall
29 be made pursuant to the district school board's policies,
30 contracts, or rules that are in effect on June 30, 2001.

31 Section 742. Section 1012.66, Florida Statutes, is

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1 created to read:

2 1012.66 Provisions for leaves of absence.--All leaves
3 of absence for all district school board employees, except
4 those leaves prescribed by law, shall be granted with or
5 without compensation pursuant to rules adopted by the district
6 school board. Such leaves authorized by the district school
7 board shall include, but are not limited to, professional
8 leave and extended professional leave, personal leave,
9 military leave granted in compliance with chapter 115, and
10 maternity leave.

11 Section 743. Section 1012.67, Florida Statutes, is
12 created to read:

13 1012.67 Absence without leave.--Any district school
14 board employee who is willfully absent from duty without leave
15 shall forfeit compensation for the time of such absence, and
16 his or her employment shall be subject to termination by the
17 district school board.

18 Section 744. Section 1012.68, Florida Statutes, is
19 created to read:

20 1012.68 Records of absences.--The administrator of
21 each designated organizational unit shall see that both the
22 days present and the days absent for each employee are
23 reported to the district school superintendent at least once
24 each month in the manner prescribed for that purpose. This
25 report shall include the exact dates of, and the reasons for,
26 each absence. Each district school superintendent shall
27 establish procedures to ensure maintenance of the complete
28 records of all such absences.

29 Section 745. Section 1012.685, Florida Statutes, is
30 created to read:

31 1012.685 Retirement; annuities authorized.--

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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 746. 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

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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 747. 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 748. 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 749. 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 (2) From the funds allocated to each district, the

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1 district school board shall calculate an identical amount for
2 each classroom teacher which is his or her proportionate share
3 of the amount allocated to the district for the total number
4 of teachers in the district. The district school board shall
5 provide the funds no later than September 30 of each year
6 directly to each teacher as a stipend to purchase, on behalf
7 of the school district, classroom materials and supplies to be
8 used in the instruction of students assigned to the teacher.
9 Each teacher shall have sole discretion regarding which
10 classroom materials and supplies best meet the needs of the
11 students, when they are needed, and where they are acquired.
12 The funds expended by individual teachers shall not be subject
13 to state or local competitive bidding requirements.
14 Disbursement of Florida Teachers Lead Program Stipend funds
15 directly to each teacher shall complete the school district's
16 expenditure of these funds.

17 (3) Each teacher shall sign a statement acknowledging
18 receipt of the funds, agreeing to keep receipts to show the
19 expenditure of the funds used to purchase classroom materials
20 and supplies for use in the instruction of the students
21 assigned to them, and agreeing to return any unused funds by
22 the end of the regular school year. The statement to be signed
23 and dated by each teacher for receipt of the Florida Teachers
24 Lead Program Stipend shall include the wording: "I, ...(Name
25 of teacher)..., am employed by the County District School
26 Board as a full-time classroom teacher. I acknowledge that
27 Florida Teachers Lead Program Stipend funds are appropriated
28 by the Legislature for the sole purpose of purchasing
29 classroom materials and supplies to be used in the instruction
30 of students assigned to me. In accepting custody of these
31 funds, I agree to keep receipts for all expenditures. I

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1 understand that if I do not keep receipts showing these funds
2 were spent to purchase classroom materials and supplies for
3 use with my students, it will be my personal responsibility to
4 pay any federal taxes due on these funds. I also agree to
5 return any unused funds to the district school board at the
6 end of the regular school year for deposit into the School
7 Advisory Council account of the school at which I was employed
8 at the time of the receipt of the funds."

9 (4) Florida Teachers Lead Program Stipend funds shall
10 be provided to each teacher in addition to any other funds
11 appropriated for public school operations.

12 (5) Any unused funds which are returned to the
13 district school board shall be deposited into the School
14 Advisory Council account of the school at which the teacher
15 returning the funds was employed at the time of the receipt of
16 the funds.

17 (6) For purposes of this section, the term "classroom
18 teacher" includes certified teachers employed on or before
19 September 1 of each year whose full-time job responsibility is
20 the classroom instruction of students in kindergarten through
21 grade 12, and full-time media specialists and guidance
22 counselors who serve students in kindergarten through grade
23 12. Only school district personnel employed in these positions
24 are eligible for the classroom materials and supply stipend
25 from funds appropriated to implement the provisions of this
26 section.

27 Section 750. Section 1012.72, Florida Statutes, is
28 created to read:

29 1012.72 Excellent Teaching Program.--

30 (1) The Legislature recognizes that teachers play a
31 critical role in preparing students to achieve the high levels

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1 of academic performance expected by the Sunshine State
2 Standards. The Legislature further recognizes the importance
3 of identifying and rewarding teaching excellence and of
4 encouraging good teachers to become excellent teachers. The
5 Legislature finds that the National Board of Professional
6 Teaching Standards (NBPTS) has established high and rigorous
7 standards for accomplished teaching and has developed a
8 national voluntary system for assessing and certifying
9 teachers who demonstrate teaching excellence by meeting those
10 standards. It is therefore the Legislature's intent to provide
11 incentives for teachers to seek NBPTS certification and to
12 reward teachers who demonstrate teaching excellence by
13 attaining NBPTS certification and sharing their expertise with
14 other teachers.

15 (2) The Excellent Teaching Program is created to
16 provide monetary incentives and bonuses for teaching
17 excellence. The Department of Education shall distribute to
18 each school district or to the NBPTS an amount as prescribed
19 annually by the Legislature for the Excellent Teaching
20 Program. For purposes of this section, the Florida School for
21 the Deaf and the Blind shall be considered a school district.
22 Unless otherwise provided in the General Appropriations Act,
23 each distribution shall be the sum of the amounts earned for
24 the following incentives and bonuses:

25 (a) A fee subsidy to be paid by the Department of
26 Education to the NBPTS on behalf of each individual who is an
27 employee of a district school board or a public school within
28 the school district, who is certified by the district to have
29 demonstrated satisfactory teaching performance pursuant to s.
30 1012.34 and who satisfies the prerequisites for participating
31 in the NBPTS certification program, and who agrees, in

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1 writing, to pay 10 percent of the NBPTS participation fee and
2 to participate in the NBPTS certification program during the
3 school year for which the fee subsidy is provided. The fee
4 subsidy for each eligible participant shall be an amount equal
5 to 90 percent of the fee charged for participating in the
6 NBPTS certification program. The fee subsidy is a one-time
7 award and may not be duplicated for any individual.

8 (b) A portfolio-preparation incentive of \$150 paid by
9 the Department of Education to each teacher employed by a
10 district school board or a public school within a school
11 district who is participating in the NBPTS certification
12 program. The portfolio-preparation incentive is a one-time
13 award paid during the school year for which the NBPTS fee
14 subsidy is provided.

15 (c) An annual bonus equal to 10 percent of the prior
16 fiscal year's statewide average salary for classroom teachers
17 to be distributed to the school district to be paid to each
18 individual who holds NBPTS certification and is employed by
19 the district school board or by a public school within the
20 school district. The district school board shall distribute
21 the annual bonus to each individual who meets the requirements
22 of this paragraph and who is certified annually by the
23 district to have demonstrated satisfactory teaching
24 performance pursuant to s. 1012.34. The annual bonus may be
25 paid as a single payment or divided into not more than three
26 payments.

27 (d) An annual bonus equal to 10 percent of the prior
28 fiscal year's statewide average salary for classroom teachers
29 to be distributed to the school district to be paid to each
30 individual who meets the requirements of paragraph (c) and
31 agrees, in writing, to provide the equivalent of 12 workdays

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1 of mentoring and related services to public school teachers
2 within the state who do not hold NBPTS certification. The
3 district school board shall distribute the annual bonus in a
4 single payment following the completion of all required
5 mentoring and related services for the year. It is not the
6 intent of the Legislature to remove excellent teachers from
7 their assigned classrooms; therefore, credit may not be
8 granted by a school district or public school for mentoring or
9 related services provided during student contact time during
10 the 196 days of required service for the school year.

11
12 A teacher for whom the state pays the certification fee and
13 who does not complete the certification program or does not
14 teach in a public school of this state for at least 1 year
15 after completing the certification program must repay the
16 amount of the certification fee to the state. However, a
17 teacher who completes the certification program but fails to
18 be awarded NBPTS certification is not required to repay the
19 amount of the certification fee if the teacher meets the
20 1-year teaching requirement. Repayment is not required of a
21 teacher who does not complete the certification program or
22 fails to fulfill the teaching requirement because of the
23 teacher's death or disability or because of other extenuating
24 circumstances as determined by the State Board of Education.

25 (3)(a) In addition to any other remedy available under
26 the law, any person who is a recipient of a certification fee
27 subsidy paid to the NBPTS and who is an employee of the state
28 or any of its political subdivisions is considered to have
29 consented, as a condition of employment, to the voluntary or
30 involuntary withholding of wages to repay to the state the
31 amount of such a certification fee subsidy awarded under this

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1 section. Any such employee who defaults on the repayment of
2 such a certification fee subsidy must, within 60 days after
3 service of a notice of default by the Department of Education
4 to the employee, establish a repayment schedule which must be
5 agreed to by the department and the employee, for repaying the
6 defaulted sum through payroll deductions. The department may
7 not require the employee to pay more than 10 percent of the
8 employee's pay per pay period under such a repayment schedule
9 or plan. If the employee fails to establish a repayment
10 schedule within the specified period of time or fails to meet
11 the terms and conditions of the agreed upon or approved
12 repayment schedule as authorized by this subsection, the
13 employee has breached an essential condition of employment and
14 is considered to have consented to the involuntary withholding
15 of wages or salary for the repayment of the certification fee
16 subsidy.

17 (b) A person who is employed by the state, or any of
18 its political subdivisions, may not be dismissed for having
19 defaulted on the repayment of the certification fee subsidy to
20 the state.

21 (4) The State Board of Education may adopt rules
22 pursuant to ss. 120.536 and 120.54 as necessary to implement
23 the provisions for payment of the fee subsidies, incentives,
24 and bonuses and for the repayment of defaulted certification
25 fee subsidies under this section.

26 (5) The Excellent Teaching Program Trust Fund shall be
27 administered by the Department of Education pursuant to s.
28 1010.72.

29 Section 751. Section 1012.73, Florida Statutes, is
30 created to read:

31 1012.73 Florida Mentor Teacher School Pilot Program.--

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1 (1) The Legislature recognizes that high-quality
2 teachers are essential to assuring excellence and increasing
3 the achievement levels of all students. The purpose of this
4 section is to provide a model to reform and improve the
5 current structure of the teaching profession. There is created
6 a Florida Mentor Teacher School Pilot Program to attract,
7 retain, and motivate high-quality teachers. The commissioner
8 shall select a combination of elementary, middle, and high
9 schools representing small, medium, and large districts. Each
10 approved school shall receive an equivalent grant based upon
11 the number of schools selected by the commissioner and the
12 amount of the legislative appropriation. Each mentor teacher
13 school program shall be approved based on criteria specified
14 by the commissioner.

15 (2) The goals of the Florida Mentor Teacher School
16 Pilot Program are to:

17 (a) Provide teachers with multiple career paths,
18 beginning as education paraprofessionals and rising to
19 associate teachers, teachers, lead teachers, and mentor
20 teachers. The five levels must have highly differentiated
21 duties. The mentor teacher shall have a reduced teaching
22 schedule that permits weekly instruction to all students under
23 the mentor teacher's supervision while also allowing for
24 demonstration lessons, coaching, facilitating curriculum
25 development, and providing staff development for other
26 teachers at the school.

27 (b) Establish broad salary ranges to provide
28 flexibility and to reward performance and to negotiate
29 salaries to attract teachers to hard-to-staff schools and
30 subjects. Advancement shall be determined by academic
31 achievement, examination, demonstration, and student learning

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1 gains data. Each mentor teacher shall be eligible for a total
2 annual salary incentive of up to twice the average district
3 classroom teacher's salary. Fifty percent of the mentor
4 teacher salary incentive shall be based on increased student
5 achievement of students assigned to the supervision of the
6 mentor teacher.

7 (c) Provide ongoing professional development for
8 teachers to learn and grow professionally that includes a
9 daily block of time for associate teachers, teachers, and lead
10 teachers to reflect and plan and to interact with the mentor
11 teacher.

12 (d) Provide all eligible teachers with the opportunity
13 for national certification.

14 (e) Provide for a specified organizational pattern,
15 such as clusters or teams of teachers for grade levels or
16 subject areas comprised of associate teachers, teachers, and
17 lead teachers who are supported by education paraprofessional
18 learning guides and directed by a mentor teacher.

19 (3) The five teacher career development positions and
20 minimum requirements are:

21 (a) Education paraprofessional learning guide.--An
22 education paraprofessional learning guide must hold an
23 associate degree from a postsecondary educational institution
24 and must demonstrate appropriate writing, speaking, and
25 computation skills.

26 (b) Associate teacher.--An associate teacher must hold
27 a bachelor's degree from a postsecondary educational
28 institution and a valid Florida teaching certificate as
29 provided by s. 1012.56.

30 (c) Teacher.--A teacher must hold a bachelor's degree
31 or higher from a postsecondary educational institution and a

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1 valid Florida teaching certificate, have a minimum of 3 years'
2 full-time teaching experience, document satisfactory teaching
3 performance, and document evidence of positive student
4 learning gains, when data become available.

5 (d) Lead teacher.--A lead teacher must hold a
6 bachelor's degree or higher from a postsecondary educational
7 institution and a valid Florida professional teaching
8 certificate, have a minimum of 3 years' full-time teaching
9 experience, document exemplary teaching performance, and
10 document evidence of significant positive student learning
11 gains, when data become available. A lead teacher shall
12 provide intensive support for associate teachers and teachers.

13 (e) Mentor teacher.--A mentor teacher must:

14 1. Hold a bachelor's degree or higher from a
15 postsecondary educational institution and a valid Florida
16 professional teaching certificate.

17 2. Have a minimum of 5 years' full-time teaching
18 experience.

19 3. Document exemplary teaching performance.

20 4. Document evidence of significant positive student
21 learning gains, when data become available.

22 5. Hold a valid National Board for Professional
23 Teaching Standards certificate; have been selected as a
24 school, district, or state teacher of the year; or hold an
25 equivalent status as determined by the commissioner.

26 6. Demonstrate expertise as a staff developer.

27 (4) The State Board of Education may adopt rules,
28 pursuant to ss. 120.536(1) and 120.54, for the implementation
29 of this section and approval of the mentor teacher school
30 program.

31 (5) This section shall be implemented to the extent

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1 specifically funded in the General Appropriations Act.

2 Section 752. Section 1012.74, Florida Statutes, is
3 created to read:

4 1012.74 Florida educators professional liability
5 insurance protection.--

6 (1) The Legislature intends that all the teachers in
7 this state be protected from liability for monetary damages
8 and the cost of defense of actions resulting from claims made
9 against them arising out of occurrences in the course of
10 activities in their professional capacity.

11 (2)(a) Educator professional liability coverage for
12 all instructional personnel, as defined by s. 1012.01(2), who
13 are full-time personnel, as defined by the district school
14 board policy, shall be provided by specific appropriations
15 under the General Appropriations Act.

16 (b) Educator professional liability coverage shall be
17 extended at cost to all instructional personnel, as defined by
18 s. 1012.01(3), who are part-time personnel, as defined by the
19 district school board policy, and choose to participate in the
20 state-provided program.

21 (c) Educator professional liability coverage shall be
22 extended at cost to all administrative personnel, as defined
23 by s. 1012.01(2), who choose to participate in the
24 state-provided program.

25 (3) The Department of Education shall administer the
26 educator liability program. The insurance carrier providing
27 any portion of educator professional liability coverage under
28 the program which is procured with state funds must be
29 selected by a competitive process. The amount of the
30 appropriation for purchase of liability insurance remaining
31 after liability insurance is provided shall revert to general

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1 revenue unallocated.

2 Section 753. Section 1012.75, Florida Statutes, is
3 created to read:

4 1012.75 Liability of teacher or principal; excessive
5 force.--

6 (1) Except in the case of excessive force or cruel and
7 unusual punishment, a teacher or other member of the
8 instructional staff, a principal or the principal's designated
9 representative, or a bus driver shall not be civilly or
10 criminally liable for any action carried out in conformity
11 with State Board of Education and district school board rules
12 regarding the control, discipline, suspension, and expulsion
13 of students, including, but not limited to, any exercise of
14 authority under s. 1003.32 or s. 1006.09.

15 (2) The State Board of Education shall adopt rules
16 that outline administrative standards for the use of
17 reasonable force by school personnel to maintain a safe and
18 orderly learning environment. Such standards shall be
19 distributed to each school in the state and shall provide
20 guidance to school personnel in receiving the limitations on
21 liability specified in this section.

22 Section 754. Section 1012.77, Florida Statutes, is
23 created to read:

24 1012.77 Christa McAuliffe Ambassador for Education
25 Program.--

26 (1) The Legislature recognizes that Florida continues
27 to face teacher shortages and that fewer young people consider
28 teaching as a career. It is the intent of the Legislature to
29 promote the positive and rewarding aspects of being a teacher,
30 to encourage more individuals to become teachers, and to
31 provide annual sabbatical support for outstanding Florida

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1 teachers to serve as goodwill ambassadors for education. The
2 Legislature further wishes to honor the memory of Christa
3 McAuliffe, who epitomized the challenge and inspiration that
4 teaching can be.

5 (2) The Christa McAuliffe Ambassador for Education
6 Program is established to provide salary, travel, and other
7 related expenses annually for an outstanding Florida teacher
8 to promote the positive aspects of teaching as a career. The
9 goals of the program are to:

10 (a) Enhance the stature of teachers and the teaching
11 profession.

12 (b) Promote the importance of quality education and
13 teaching for our future.

14 (c) Inspire and attract talented people to become
15 teachers.

16 (d) Provide information regarding Florida's
17 scholarship and loan programs related to teaching.

18 (e) Promote the teaching profession within community
19 and business groups.

20 (f) Provide information to retired military personnel
21 and other individuals who might consider teaching as a second
22 career.

23 (g) Work with and represent the Department of
24 Education, as needed.

25 (h) Work with and encourage the efforts of school and
26 district teachers of the year.

27 (i) Support the activities of the Florida Future
28 Educator of America Program.

29 (j) Represent Florida teachers at business, trade,
30 education, and other conferences and meetings.

31 (k) Promote the teaching profession in other ways

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1 related to the teaching responsibilities, background
2 experiences, and aspirations of the Ambassador for Education.

3 (3) The Teacher of the Year shall serve as the
4 Ambassador for Education. If the Teacher of the Year is
5 unable to serve as the Ambassador for Education, the first
6 runner-up shall serve in his or her place. The Department of
7 Education shall establish application and selection procedures
8 for determining an annual teacher of the year. Applications
9 and selection criteria shall be developed and distributed
10 annually by the Department of Education to all school
11 districts. The Commissioner of Education shall establish a
12 selection committee which assures representation from teacher
13 organizations, administrators, and parents to select the
14 Teacher of the Year and Ambassador for Education from among
15 the district teachers of the year.

16 (4)(a) The Commissioner of Education shall pay an
17 annual salary, fringe benefits, travel costs, and other costs
18 associated with administering the program.

19 (b) The Ambassador for Education shall serve for 1
20 year, from July 1 to June 30, and shall be assured of
21 returning to his or her teaching position upon completion of
22 the program. The ambassador will not have a break in
23 creditable or continuous service or employment for the period
24 of time in which he or she participates in the program.

25 Section 755. Part III.g. of chapter 1012, Florida
26 Statutes, shall be entitled "Personnel Discipline and
27 Assistance in Public Schools" and shall consist of ss.
28 1012.79-1012.799.

29 Section 756. Section 1012.79, Florida Statutes, is
30 created to read:

31 1012.79 Education Practices Commission;

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1 organization.--

2 (1) The Education Practices Commission consists of 17
3 members, including 7 teachers, 5 administrators, and 5 lay
4 citizens (of whom 2 shall be former district school board
5 members), appointed by the State Board of Education from
6 nominations by the Commissioner of Education and subject to
7 Senate confirmation. Prior to making nominations, the
8 commissioner shall consult with the teaching and other
9 involved associations in the state. In making nominations, the
10 commissioner shall attempt to achieve equal geographical
11 representation, as closely as possible.

12 (a) A teacher member, in order to be qualified for
13 appointment:

- 14 1. Must be certified to teach in the state.
15 2. Must be a resident of the state.
16 3. Must have practiced the profession in this state
17 for at least 5 years immediately preceding the appointment.

18 (b) A school administrator member, in order to be
19 qualified for appointment:

- 20 1. Must have an endorsement on the educator
21 certificate in the area of school administration or
22 supervision.
23 2. Must be a resident of the state.
24 3. Must have practiced the profession as an
25 administrator for at least 5 years immediately preceding the
26 appointment.

27 (c) The lay members must be residents of the state.

28 (2) Members of the commission shall serve for 4-year
29 staggered terms. No commission member may serve more than 8
30 years.

31 (3) The State Board of Education may remove any member

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1 from the commission for misconduct or malfeasance in office,
2 incapacity, or neglect of duty.

3 (4) From among its members, the commission shall elect
4 a chair who shall preside over meetings of the commission and
5 perform other duties directed by the commission or required by
6 its duly adopted rules or operating procedures. School
7 districts shall be reimbursed for substitute teachers required
8 to replace commission members, when they are carrying out
9 their official duties, at a rate established by the school
10 district for substitute teachers. The department may
11 reimburse local school districts for substitutes.

12 (5) The commission, by a vote of three-fourths of the
13 membership, shall employ an executive director, who shall be
14 exempt from career service. The executive director may be
15 dismissed by a majority vote of the membership.

16 (6)(a) The commission shall be assigned to the
17 Department of Education for administrative purposes. The
18 commission, in the performance of its powers and duties, shall
19 not be subject to control, supervision, or direction by the
20 Department of Education.

21 (b) The property, personnel, and appropriations
22 related to the specified authority, powers, duties, and
23 responsibilities of the commission shall be provided to the
24 commission by the Department of Education.

25 (7) The duties and responsibilities of the commission
26 are to:

27 (a) Interpret and apply the standards of professional
28 practice established by the State Board of Education.

29 (b) Revoke or suspend a certificate or take other
30 appropriate action as provided in ss. 1012.56 and 1012.796.

31 (c) Report to and meet with the State Board of

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1 Education at least once each year.

2 (d) Adopt rules pursuant to ss. 120.536(1) and 120.54
3 to implement provisions of law conferring duties upon it.

4 (8)(a) The commission shall, from time to time,
5 designate members of the commission to serve on panels for the
6 purpose of reviewing and issuing final orders upon cases
7 presented to the commission. A case concerning a complaint
8 against a teacher shall be reviewed and a final order thereon
9 shall be entered by a panel composed of seven commission
10 members, four of whom shall be teachers. A case concerning a
11 complaint against an administrator shall be reviewed and a
12 final order thereon shall be entered by a panel composed of
13 seven commission members, four of whom shall be
14 administrators.

15 (b) A majority of a quorum of a panel of the
16 commission shall have final agency authority in all cases
17 involving the revocation, suspension, or other disciplining of
18 certificates of teachers and school administrators. A majority
19 of the membership of the panel shall constitute a quorum. The
20 district school board shall retain the authority to discipline
21 teachers and administrators pursuant to law.

22 (9) The commission shall make such expenditures as may
23 be necessary in exercising its authority and powers and
24 carrying out its duties and responsibilities, including
25 expenditures for personal services, general counsel or access
26 to counsel, and rent at the seat of government and elsewhere;
27 for books of reference, periodicals, furniture, equipment, and
28 supplies; and for printing and binding. The expenditures of
29 the commission shall be subject to the powers and duties of
30 the Department of Banking and Finance as provided in s. 17.03.

31 (10) The commission shall be financed from the

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1 following: certification fees; fines, penalties, and costs
2 collected pursuant to s. 1012.796(9); and general revenue.

3 Section 757. Section 1012.795, Florida Statutes, is
4 created to read:

5 1012.795 Education Practices Commission; authority to
6 discipline.--

7 (1) The Education Practices Commission may suspend the
8 educator certificate of any person as defined in s. 1012.01(2)
9 or (3) for a period of time not to exceed 3 years, thereby
10 denying that person the right to teach for that period of
11 time, after which the holder may return to teaching as
12 provided in subsection (4); may revoke the educator
13 certificate of any person, thereby denying that person the
14 right to teach for a period of time not to exceed 10 years,
15 with reinstatement subject to the provisions of subsection
16 (4); may revoke permanently the educator certificate of any
17 person; may suspend the educator certificate, upon order of
18 the court, of any person found to have a delinquent child
19 support obligation; or may impose any other penalty provided
20 by law, provided it can be shown that the person:

21 (a) Obtained the educator certificate by fraudulent
22 means.

23 (b) Has proved to be incompetent to teach or to
24 perform duties as an employee of the public school system or
25 to teach in or to operate a private school.

26 (c) Has been guilty of gross immorality or an act
27 involving moral turpitude.

28 (d) Has had an educator certificate revoked in another
29 state.

30 (e) Has been convicted of a misdemeanor, felony, or
31 any other criminal charge, other than a minor traffic

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1 violation.

2 (f) Upon investigation, has been found guilty of
3 personal conduct which seriously reduces that person's
4 effectiveness as an employee of the district school board.

5 (g) Has breached a contract, as provided in s.
6 1012.33(2).

7 (h) Has been the subject of a court order directing
8 the Education Practices Commission to suspend the certificate
9 as a result of a delinquent child support obligation.

10 (i) Has violated the Principles of Professional
11 Conduct for the Education Profession prescribed by State Board
12 of Education rules.

13 (j) Has otherwise violated the provisions of law, the
14 penalty for which is the revocation of the educator
15 certificate.

16 (k) Has violated any order of the Education Practices
17 Commission.

18 (2) The plea of guilty in any court, the decision of
19 guilty by any court, the forfeiture by the teaching
20 certificateholder of a bond in any court of law, or the
21 written acknowledgment, duly witnessed, of offenses listed in
22 subsection (1) to the district school superintendent or a duly
23 appointed representative or to the district school board shall
24 be prima facie proof of grounds for revocation of the
25 certificate as listed in subsection (1) in the absence of
26 proof by the certificateholder that the plea of guilty,
27 forfeiture of bond, or admission of guilt was caused by
28 threats, coercion, or fraudulent means.

29 (3) The revocation by the Education Practices
30 Commission of an educator certificate of any person
31 automatically revokes any and all Florida educator

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1 certificates held by that person.

2 (4)(a) An educator certificate which has been
3 suspended under this section is automatically reinstated at
4 the end of the suspension period, provided the certificate did
5 not expire during the period of suspension. If the
6 certificate expired during the period of suspension, the
7 holder of the former certificate may secure a new certificate
8 by making application therefor and by meeting the
9 certification requirements of the state board current at the
10 time of the application for the new certificate. An educator
11 certificate suspended pursuant to a court order for a
12 delinquent child support obligation may only be reinstated
13 upon notice from the court that the party has complied with
14 the terms of the court order.

15 (b) A person whose educator certificate has been
16 revoked under this section may apply for a new certificate at
17 the expiration of that period of ineligibility fixed by the
18 Education Practices Commission by making application therefor
19 and by meeting the certification requirements of the state
20 board current at the time of the application for the new
21 certificate.

22 (5) Each district school superintendent and the
23 governing authority of each university lab school,
24 state-supported school, or private school shall report to the
25 department the name of any person certified pursuant to this
26 chapter or employed and qualified pursuant to s. 1012.39:

27 (a) Who has been convicted of, or who has pled nolo
28 contendere to, a misdemeanor, felony, or any other criminal
29 charge, other than a minor traffic infraction;

30 (b) Who that official has reason to believe has
31 committed or is found to have committed any act which would be

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1 a ground for revocation or suspension under subsection (1); or
2 (c) Who has been dismissed or severed from employment
3 because of conduct involving any immoral, unnatural, or
4 lascivious act.

5 (6)(a) When an individual violates the provisions of a
6 settlement agreement enforced by a final order of the
7 Education Practices Commission, an order to show cause may be
8 issued by the clerk of the commission. The order shall require
9 the individual to appear before the commission to show cause
10 why further penalties should not be levied against the
11 individual's certificate pursuant to the authority provided to
12 the Education Practices Commission in subsection (1). The
13 Education Practices Commission may fashion further penalties
14 under the authority of subsection (1) as deemed appropriate
15 when the show cause order is responded to by the individual.

16 (b) The Education Practices Commission shall issue a
17 final order revoking an individual's Florida educator's
18 certificate for a minimum of 1 year under the following
19 circumstances:

20 1. If the individual:

21 a. Has been found to have violated the provisions of
22 this section, such that the Education Practices Commission has
23 the authority to discipline the individual's Florida
24 educator's certificate on two separate occasions;

25 b. Has twice entered into a settlement agreement
26 enforced by a final order of the Education Practices
27 Commission; or

28 c. Has been found to have violated the provisions of
29 this section, such that the Education Practices Commission has
30 the authority to discipline the individual's Florida
31 educator's certificate on one occasion and entered into a

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1 settlement agreement enforced by a final order of the
2 Education Practices Commission on one occasion; and

3 2. A third finding of probable cause and a finding
4 that the allegations are proven or admitted to is subsequently
5 found by the Commissioner of Education.

6
7 If, in the third instance, the individual enters into a
8 settlement agreement with the Department of Education, that
9 agreement shall also include a penalty revoking that
10 individual's Florida educator's certificate for a minimum of 1
11 year.

12 Section 758. Section 1012.796, Florida Statutes, is
13 created to read:

14 1012.796 Complaints against teachers and
15 administrators; procedure; penalties.--

16 (1)(a) The Department of Education shall cause to be
17 investigated expeditiously any complaint filed before it or
18 otherwise called to its attention which, if legally
19 sufficient, contains grounds for the revocation or suspension
20 of a certificate or any other appropriate penalty as set forth
21 in subsection (7). The complaint is legally sufficient if it
22 contains the ultimate facts which show a violation has
23 occurred as provided in s. 1012.795. The department may
24 investigate or continue to investigate and take appropriate
25 action in a complaint even though the original complainant
26 withdraws the complaint or otherwise indicates a desire not to
27 cause it to be investigated or prosecuted to completion. The
28 department may investigate or continue to investigate and take
29 action on a complaint filed against a person whose educator
30 certificate has expired if the act or acts which are the basis
31 for the complaint were allegedly committed while that person

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1 possessed an educator certificate.

2 (b) When an investigation is undertaken, the
3 department shall notify the certificateholder and the district
4 school superintendent in the district in which the
5 certificateholder is employed and shall inform the
6 certificateholder of the substance of any complaint which has
7 been filed against that certificateholder, unless the
8 department determines that such notification would be
9 detrimental to the investigation, in which case the department
10 may withhold notification.

11 (c) Each school district shall file in writing with
12 the department all legally sufficient complaints within 30
13 days after the date on which subject matter of the complaint
14 comes to the attention of the school district. The school
15 district shall include all information relating to the
16 complaint which is known to the school district at the time of
17 filing. Each district school board shall develop policies and
18 procedures to comply with this reporting requirement. The
19 district school board policies and procedures shall include
20 appropriate penalties for all personnel of the district school
21 board for nonreporting and procedures for promptly informing
22 the district school superintendent of each legally sufficient
23 complaint. The district school superintendent is charged with
24 knowledge of these policies and procedures. If the district
25 school superintendent has knowledge of a legally sufficient
26 complaint and does not report the complaint, or fails to
27 enforce the policies and procedures of the district school
28 board, and fails to comply with the requirements of this
29 subsection, in addition to other actions against
30 certificateholders authorized by law, the district school
31 superintendent shall be subject to penalties as specified in

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1 s. 1001.51(13). This paragraph does not limit or restrict the
2 power and duty of the department to investigate complaints as
3 provided in paragraphs (a) and (b), regardless of the school
4 district's untimely filing, or failure to file, complaints and
5 followup reports.

6 (2) The Commissioner of Education shall develop job
7 specifications for investigative personnel employed by the
8 department. Such specifications shall be substantially
9 equivalent to or greater than those job specifications of
10 investigative personnel employed by the Department of Business
11 and Professional Regulation. The department may contract with
12 the Department of Business and Professional Regulation for
13 investigations. No person who is responsible for conducting an
14 investigation of a teacher or administrator may prosecute the
15 same case. The department general counsel or members of that
16 staff may conduct prosecutions under this section.

17 (3) The department staff shall advise the commissioner
18 concerning the findings of the investigation. The department
19 general counsel or members of that staff shall review the
20 investigation and advise the commissioner concerning probable
21 cause or lack thereof. The determination of probable cause
22 shall be made by the commissioner. The commissioner shall
23 provide an opportunity for a conference, if requested, prior
24 to determining probable cause. The commissioner may enter
25 into deferred prosecution agreements in lieu of finding
26 probable cause when in his or her judgment such agreements
27 would be in the best interests of the department, the
28 certificateholder, and the public. Such deferred prosecution
29 agreements shall become effective when filed with the clerk of
30 the Education Practices Commission. However, a deferred
31 prosecution agreement shall not be entered into where there is

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1 probable cause to believe that a felony or an act of moral
2 turpitude has occurred. Upon finding no probable cause, the
3 commissioner shall dismiss the complaint.

4 (4) The complaint and all information obtained
5 pursuant to the investigation by the department shall be
6 confidential and exempt from the provisions of s. 119.07(1)
7 until the conclusion of the preliminary investigation of the
8 complaint, until such time as the preliminary investigation
9 ceases to be active, or until such time as otherwise provided
10 by s. 1012.798(6). However, the complaint and all material
11 assembled during the investigation may be inspected and copied
12 by the certificateholder under investigation, or the
13 certificateholder's designee, after the investigation is
14 concluded, but prior to the determination of probable cause by
15 the commissioner. If the preliminary investigation is
16 concluded with the finding that there is no probable cause to
17 proceed, the complaint and information shall be open
18 thereafter to inspection pursuant to s. 119.07(1). If the
19 preliminary investigation is concluded with the finding that
20 there is probable cause to proceed and a complaint is filed
21 pursuant to subsection (6), the complaint and information
22 shall be open thereafter to inspection pursuant to s.
23 119.07(1). If the preliminary investigation ceases to be
24 active, the complaint and all such material shall be open
25 thereafter to inspection pursuant to s. 119.07(1), except as
26 otherwise provided pursuant to s. 1012.798(6). For the purpose
27 of this subsection, a preliminary investigation shall be
28 considered active as long as it is continuing with a
29 reasonable, good faith anticipation that an administrative
30 finding will be made in the foreseeable future.

31 (5) When deemed necessary to protect the health,

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1 safety, and welfare of a minor student, the district school
2 superintendent in consultation with the school principal may,
3 and upon the request of the Commissioner of Education shall,
4 temporarily suspend a certificateholder from the
5 certificateholder's regularly assigned duties, with pay, and
6 reassign the suspended certificateholder to a position that
7 does not require direct contact with students in the district
8 school system. Such suspension shall continue until the
9 completion of the proceedings and the determination of
10 sanctions, if any, pursuant to this section and s. 1012.795.

11 (6) Upon the finding of probable cause, the
12 commissioner shall file a formal complaint and prosecute the
13 complaint pursuant to the provisions of chapter 120. An
14 administrative law judge shall be assigned by the Division of
15 Administrative Hearings of the Department of Management
16 Services to hear the complaint if there are disputed issues of
17 material fact. The administrative law judge shall make
18 recommendations in accordance with the provisions of
19 subsection (7) to the appropriate Education Practices
20 Commission panel which shall conduct a formal review of such
21 recommendations and other pertinent information and issue a
22 final order. The commission shall consult with its legal
23 counsel prior to issuance of a final order.

24 (7) A panel of the commission shall enter a final
25 order either dismissing the complaint or imposing one or more
26 of the following penalties:

27 (a) Denial of an application for a teaching
28 certificate or for an administrative or supervisory
29 endorsement on a teaching certificate. The denial may provide
30 that the applicant may not reapply for certification, and that
31 the department may refuse to consider that applicant's

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1 application, for a specified period of time or permanently.
2 (b) Revocation or suspension of a certificate.
3 (c) Imposition of an administrative fine not to exceed
4 \$2,000 for each count or separate offense.
5 (d) Placement of the teacher, administrator, or
6 supervisor on probation for a period of time and subject to
7 such conditions as the commission may specify, including
8 requiring the certified teacher, administrator, or supervisor
9 to complete additional appropriate college courses or work
10 with another certified educator, with the administrative costs
11 of monitoring the probation assessed to the educator placed on
12 probation.
13 (e) Restriction of the authorized scope of practice of
14 the teacher, administrator, or supervisor.
15 (f) Reprimand of the teacher, administrator, or
16 supervisor in writing, with a copy to be placed in the
17 certification file of such person.
18 (g) Imposition of an administrative sanction, upon a
19 person whose teaching certificate has expired, for an act or
20 acts committed while that person possessed a teaching
21 certificate or an expired certificate subject to late renewal,
22 which sanction bars that person from applying for a new
23 certificate for a period of 10 years or less, or permanently.
24 (8) Violations of the provisions of probation shall
25 result in an order to show cause issued by the clerk of the
26 Education Practices Commission. Upon failure of the
27 probationer, at the time and place stated in the order, to
28 show cause satisfactorily to the Education Practices
29 Commission why a penalty for violating probation should not be
30 imposed, the Education Practices Commission shall impose
31 whatever penalty is appropriate as established in s.

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1 1012.795(6). Any probation period will be tolled when an order
2 to show cause has been issued until the issue is resolved by
3 the Education Practices Commission.

4 (9) All moneys collected by, or awarded to, the
5 commission as fees, fines, penalties, or costs shall be
6 deposited into the Educational Certification and Service Trust
7 Fund pursuant to s. 1012.59.

8 Section 759. Section 1012.797, Florida Statutes, is
9 created to read:

10 1012.797 Notification of district school
11 superintendent of certain charges against or convictions of
12 employees.--

13 (1) Notwithstanding the provisions of s. 985.04(4) or
14 any other provision of law to the contrary, a law enforcement
15 agency shall, within 48 hours, notify the appropriate district
16 school superintendent of the name and address of any employee
17 of the school district who is charged with a felony or with a
18 misdeemeanor involving the abuse of a minor child or the sale
19 or possession of a controlled substance. The notification
20 shall include the specific charge for which the employee of
21 the school district was arrested. Such notification shall
22 include other education providers such as the Florida School
23 for the Deaf and the Blind, university lab schools, and
24 private elementary and secondary schools.

25 (2) Except to the extent necessary to protect the
26 health, safety, and welfare of other students, the information
27 obtained by the district school superintendent pursuant to
28 this section may be released only to appropriate school
29 personnel or as otherwise provided by law.

30 Section 760. Section 1012.798, Florida Statutes, is
31 created to read:

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1 1012.798 Recovery network program for educators.--
2 (1) RECOVERY NETWORK ESTABLISHED.--There is created
3 within the Department of Education, a recovery network program
4 to assist educators who are impaired as a result of alcohol
5 abuse, drug abuse, or a mental condition in obtaining
6 treatment to permit their continued contribution to the
7 education profession. Any person who holds certification
8 issued by the department pursuant to s. 1012.56 is eligible
9 for the assistance.
10 (2) STAFF.--
11 (a) The department shall employ an administrator and
12 staff as are necessary to be assigned exclusively to the
13 recovery network program.
14 (b) The Commissioner of Education shall establish the
15 criteria for and appoint the staff of the program.
16 (c) The department may contract with other
17 professionals to implement this section.
18 (3) PURPOSE.--The recovery network program shall
19 assist educators in obtaining treatment and services from
20 approved treatment providers, but each impaired educator must
21 pay for his or her treatment under terms and conditions agreed
22 upon by the impaired educator and the treatment provider. A
23 person who is admitted to the program must contract with the
24 treatment provider and the program. The treatment contract
25 must prescribe the type of treatment and the responsibilities
26 of the impaired educator and of the provider and must provide
27 that the impaired educator's progress will be monitored by the
28 program.
29 (4) APPROVAL OF TREATMENT PROVIDERS.--The recovery
30 network program shall locate, evaluate, and approve qualified
31 treatment providers.

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1 (5) RELATIONSHIP WITH EDUCATION PRACTICES COMMISSION
2 AND DEPARTMENT.--The recovery network program shall operate
3 independently of, but may cooperate with, the Office of
4 Professional Practices Services of the Department of Education
5 and the Education Practices Commission. A person's
6 participation in the program entitles the commissioner to
7 enter into a deferred prosecution agreement pursuant to s.
8 1012.796, or such participation may be considered a factor in
9 mitigation of or a condition of disciplinary action against
10 the person's certificate by the Education Practices Commission
11 pursuant to s. 1012.795.

12 (6) PARTICIPATION.--The recovery network program shall
13 operate independently of employee assistance programs operated
14 by local school districts, and the powers and duties of school
15 districts to make employment decisions, including disciplinary
16 decisions, is not affected except as provided in this section:

17 (a) A person who is not subject to investigation or
18 proceedings under ss. 1012.795 and 1012.796 may voluntarily
19 seek assistance through a local school district employee
20 assistance program for which he or she is eligible and through
21 the recovery network, regardless of action taken against him
22 or her by a school district. Voluntarily seeking assistance
23 alone does not subject a person to proceedings under ss.
24 1012.795 and 1012.796.

25 (b) A person who is subject to investigation or
26 proceedings under ss. 1012.795 and 1012.796 may be required to
27 participate in the program. The program may approve a local
28 employee assistance program as a treatment provider or as a
29 means of securing a treatment provider. The program and the
30 local school district shall cooperate so that the person may
31 obtain treatment without limiting the school district's

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1 statutory powers and duties as an employer or the disciplinary
2 procedures under ss. 1012.795 and 1012.796.

3 (c) A person who has not previously been under
4 investigation by the department may be enrolled in a treatment
5 program by the recovery network after an investigation has
6 commenced, if the person:

7 1. Acknowledges his or her impairment.

8 2. Agrees to evaluation, as approved by the recovery
9 network.

10 3. Agrees to enroll in an appropriate treatment
11 program approved by the recovery network.

12 4. Executes releases for all medical and treatment
13 records regarding his or her impairment and participation in a
14 treatment program to the recovery network, pursuant to 42
15 U.S.C. s. 290dd-3 and the federal regulations adopted
16 thereunder.

17 5. Enters into a deferred prosecution agreement with
18 the commissioner, which provides that no prosecution shall be
19 instituted concerning the matters enumerated in the agreement
20 if the person is properly enrolled in the treatment program
21 and successfully completes the program as certified by the
22 recovery network. The commissioner is under no obligation to
23 enter into a deferred prosecution agreement with the educator
24 but may do so if he or she determines that it is in the best
25 interest of the educational program of the state.

26 6. Has not previously entered a substance abuse
27 program.

28 7. Is not being investigated for any action involving
29 commission of a felony or violent act against another person.

30 8. Has not had multiple arrests for minor drug use,
31 possession, or abuse of alcohol.

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1 (7) REFERRAL TO NETWORK WHEN NO PROBABLE CAUSE IS
2 DETERMINED.--If a complaint is made to the department against
3 a teacher or an administrator pursuant to s. 1012.796 and a
4 finding of no probable cause indicates that no concern other
5 than impairment exists, the department shall inform the person
6 of the availability of assistance provided by the recovery
7 network program.

8 (8) ADMISSION.--A person who is referred or who
9 requests admission to the recovery network program shall be
10 temporarily admitted pending a finding that he or she has:

11 (a) Acknowledged his or her impairment problem.

12 (b) Agreed to evaluation as approved by the recovery
13 network program.

14 (c) Voluntarily enrolled in an appropriate treatment
15 program approved by the recovery network program.

16 (d) Voluntarily sought agreement from the school
17 district for temporary leave or limitations on the scope of
18 employment if the temporary leave or limitations are included
19 in the treatment provider's recommendations; or voluntarily
20 agreed to pursue the alternative treatment recommended by the
21 treatment provider if the school district does not approve
22 such temporary leave or limitations on the scope of
23 employment.

24 (e) Executed releases to the recovery network program
25 for all medical and treatment records regarding his or her
26 impairment and participation in a treatment program pursuant
27 to 42 U.S.C. s. 290dd-3 and the federal regulations adopted
28 thereunder.

29 (9) DISCLOSURE OF MEDICAL RECORDS.--An approved
30 treatment provider must disclose to the recovery network
31 program all information in its possession which relates to a

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1 person's impairment and participation in the treatment
2 program. Information obtained under this subsection is
3 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
4 of the State Constitution. This exemption is necessary to
5 promote the rehabilitation of impaired educators and to
6 protect the privacy of treatment program participants. The
7 failure to provide such information to the program is grounds
8 for withdrawal of approval of a treatment provider. Medical
9 records provided to the program may not be disclosed to any
10 other person, except as authorized by law.

11 (10) DECLARATION OF INELIGIBILITY.--

12 (a) A person may be declared ineligible for further
13 assistance from the recovery network program if he or she does
14 not progress satisfactorily in a treatment program or leaves a
15 prescribed program or course of treatment without the approval
16 of the treatment provider.

17 (b) The determination of ineligibility must be made by
18 the commissioner in cases referred to him or her by the
19 program administrator. Before referring a case to the
20 commissioner, the administrator must discuss the circumstances
21 with the treatment provider. The commissioner may direct the
22 Office of Professional Practices Services to investigate the
23 case and provide a report.

24 (c) If a treatment contract with the program is a
25 condition of a deferred prosecution agreement, and the
26 commissioner determines that the person is ineligible for
27 further assistance, the commissioner may agree to modify the
28 terms and conditions of the deferred prosecution agreement or
29 may issue an administrative complaint, pursuant to s.
30 1012.796, alleging the charges regarding which prosecution was
31 deferred. The person may dispute the determination as an

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1 affirmative defense to the administrative complaint by
2 including with his or her request for hearing on the
3 administrative complaint a written statement setting forth the
4 facts and circumstances that show that the determination of
5 ineligibility was erroneous. If administrative proceedings
6 regarding the administrative complaint, pursuant to ss.
7 120.569 and 120.57, result in a finding that the determination
8 of ineligibility was erroneous, the person is eligible to
9 participate in the program. If the determination of
10 ineligibility was the only reason for setting aside the
11 deferred prosecution agreement and issuing the administrative
12 complaint and the administrative proceedings result in a
13 finding that the determination was erroneous, the complaint
14 shall be dismissed and the deferred prosecution agreement
15 reinstated without prejudice to the commissioner's right to
16 reissue the administrative complaint for other breaches of the
17 agreement.

18 (d) If a treatment contract with the program is a
19 condition of a final order of the Education Practices
20 Commission, the commissioner's determination of ineligibility
21 constitutes a finding of probable cause that the person failed
22 to comply with the final order. The commissioner shall issue
23 an administrative complaint, and the case shall proceed under
24 ss. 1012.795 and 1012.796, in the same manner as cases based
25 on a failure to comply with an order of the Education
26 Practices Commission.

27 (e) If the person voluntarily entered into a treatment
28 contract with the program, the commissioner shall issue a
29 written notice stating the reasons for the determination of
30 ineligibility. Within 20 days after the date of such notice,
31 the person may contest the determination of ineligibility

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1 pursuant to ss. 120.569 and 120.57.

2 (11) MEDICAL RECORDS RELEASE.--Medical records
3 released pursuant to paragraph (8)(e) may be disclosed to the
4 commissioner, the Office of Professional Practices Services,
5 and the Education Practices Commission only as required for
6 purposes of this section, or as otherwise authorized by law.
7 Further disclosure or release of the medical records may not
8 be made except as authorized by law and in accordance with 42
9 U.S.C. s. 290dd-2 and the federal regulations adopted
10 thereunder. The medical records are confidential and exempt
11 from s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution.

13 (12) FEES.--The State Board of Education shall include
14 in the fees established pursuant to s. 1012.59 an amount
15 sufficient to implement the provisions of this section. The
16 State Board of Education shall by rule establish procedures
17 and additional standards for:

18 (a) Approving treatment providers, including
19 appropriate qualifications and experience, amount of
20 reasonable fees and charges, and quality and effectiveness of
21 treatment programs provided.

22 (b) Admitting eligible persons to the program.

23 (c) Evaluating impaired persons by the recovery
24 network program.

25 Section 761. Section 1012.799, Florida Statutes, is
26 created to read:

27 1012.799 Reporting certain offenses.--Instructional
28 personnel or administrative personnel having knowledge that a
29 sexual battery has been committed by a student upon another
30 student must report the offense to a law enforcement agency
31 having jurisdiction over the school plant or over the place

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1 where the sexual battery occurred if not on the grounds of the
2 school plant.

3 Section 762. Part IV of chapter 1012, Florida
4 Statutes, shall be entitled "Public Postsecondary Educational
5 Institutions; Personnel" and shall consist of ss.
6 1012.80-1012.97.

7 Section 763. Part IV.a. of chapter 1012, Florida
8 Statutes, shall be entitled "General Provisions" and shall
9 consist of ss. 1012.80-1012.801.

10 Section 764. Section 1012.80, Florida Statutes, is
11 created to read:

12 1012.80 Participation by employees in disruptive
13 activities at public postsecondary educational institutions;
14 penalties.--

15 (1) Any person who accepts the privilege extended by
16 the laws of this state of employment at any public
17 postsecondary educational institution shall, by so working at
18 such institution, be deemed to have given his or her consent
19 to the policies of that institution, the State Board of
20 Education, and the laws of this state. Such policies shall
21 include prohibition against disruptive activities at public
22 postsecondary educational institutions.

23 (2) After it has been determined that an employee of a
24 public postsecondary educational institution has participated
25 in disruptive activities, the institution may terminate the
26 contract of the employee, and thereafter such person shall not
27 be employed by any state public school or public postsecondary
28 educational institution.

29 Section 765. Effective upon this act becoming a law,
30 section 1012.801, Florida Statutes, is created to read:

31 1012.801 Employees of the Division of Colleges and

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1 Universities.--Employees of the Division of Colleges and
2 Universities of the Department of Education who are
3 participating in the State University Optional Retirement
4 Program prior to June 30, 2002, shall be eligible to continue
5 such participation as long as they remain employees of the
6 Department of Education or a state university without a break
7 in continuous service.

8 Section 766. Part IV.b. of chapter 1012, Florida
9 Statutes, shall be entitled "Community Colleges; Personnel"
10 and shall consist of ss. 1012.81-1012.88.

11 Section 767. Section 1012.81, Florida Statutes, is
12 created to read:

13 1012.81 Personnel records.--Rules of the State Board
14 of Education shall prescribe the content and custody of
15 limited-access records which a community college may maintain
16 on its employees. Such records shall be limited to
17 information reflecting evaluations of employee performance and
18 shall be open to inspection only by the employee and by
19 officials of the college who are responsible for supervision
20 of the employee. Such limited-access employee records are
21 confidential and exempt from the provisions of s. 119.07(1).
22 Except as required for use by the president in the discharge
23 of his or her official responsibilities, the custodian of
24 limited-access employee records may release information from
25 such records only upon authorization in writing from the
26 employee or the president or upon order of a court of
27 competent jurisdiction.

28 Section 768. Section 1012.82, Florida Statutes, is
29 created to read:

30 1012.82 Teaching faculty; minimum teaching hours per
31 week.--Each full-time member of the teaching faculty at any

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1 community college who is paid wholly from funds appropriated
2 from the community college program fund shall teach a minimum
3 of 15 classroom contact hours per week at such institution.
4 However, the required classroom contact hours per week may be
5 reduced upon approval of the president of the institution in
6 direct proportion to specific duties and responsibilities
7 assigned the faculty member by his or her departmental chair
8 or other appropriate college administrator. Such specific
9 duties may include specific research duties, specific duties
10 associated with developing television, video tape, or other
11 specifically assigned innovative teaching techniques or
12 devices, or assigned responsibility for off-campus student
13 internship or work-study programs. A "classroom contact hour"
14 consists of a regularly scheduled classroom activity of not
15 less than 50 minutes in a course of instruction which has been
16 approved by the community college board of trustees. Any
17 full-time faculty member who is paid partly from community
18 college program funds and partly from other funds or
19 appropriations shall teach a minimum number of classroom
20 contact hours per week in such proportion to 15 classroom
21 contact hours as his or her salary paid from community college
22 program funds bears to his or her total salary.

23 Section 769. Section 1012.83, Florida Statutes, is
24 created to read:

25 1012.83 Contracts with administrative and
26 instructional staff.--Each person employed in an
27 administrative or instructional capacity in a community
28 college shall be entitled to a contract as provided by rules
29 of the State Board of Education.

30 Section 770. Section 1012.84, Florida Statutes, is
31 created to read:

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1 1012.84 Exemption from county civil service

2 commissions.--

3 (1) Any community college located in a county which
4 has either a budget commission or a civil service commission
5 is exempt from the regulation, supervision, and control of any
6 such commission.

7 (2) Any general or special law conflicting with this
8 section is repealed to the extent that said law conflicts with
9 this section.

10 Section 771. Section 1012.85, Florida Statutes, is
11 created to read:

12 1012.85 Payment of costs of civil actions against
13 officers, employees, or agents of community college board of
14 trustees.--

15 (1) Whenever any civil action has been brought against
16 any officer of the community college board of trustees,
17 including a board member, or any person employed by or agent
18 of the community college board of trustees, of any community
19 college for any act or omission arising out of and in the
20 course of the performance of his or her duties and
21 responsibilities, the community college board of trustees may
22 defray all costs of defending such action, including
23 reasonable attorney's fees and expenses together with costs of
24 appeal, if any, and may save harmless and protect such person
25 from any financial loss resulting therefrom; and the community
26 college board of trustees may be self-insured, to enter into
27 risk management programs, or to purchase insurance for
28 whatever coverage it may choose, or to have any combination
29 thereof, to cover all such losses and expenses. However, any
30 attorney's fees paid from public funds for any officer,
31 employee, or agent who is found to be personally liable by

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1 virtue of acting outside the scope of his or her employment or
2 acting in bad faith, with malicious purpose, or in a manner
3 exhibiting wanton and willful disregard of human rights,
4 safety, or property may be recovered by the state, county,
5 municipality, or political subdivision in a civil action
6 against such officer, employee, or agent.

7 (2) Failure by a community college board of trustees
8 to perform any act authorized by this section shall not
9 constitute a cause of action against a community college or
10 its trustees, officers, employees, or agents.

11 Section 772. Section 1012.855, Florida Statutes, is
12 created to read:

13 1012.855 Employment of community college personnel;
14 discrimination in granting salary prohibited.--

15 (1)(a) Employment of all personnel in each community
16 college shall be upon recommendation of the president, subject
17 to rejection for cause by the community college board of
18 trustees; to the rules of the State Board of Education
19 relative to certification, tenure, leaves of absence of all
20 types, including sabbaticals, remuneration, and such other
21 conditions of employment as the State Board of Education deems
22 necessary and proper; and to policies of the community college
23 board of trustees not inconsistent with law.

24 (b) Any internal auditor employed by a community
25 college shall be hired by the community college board of
26 trustees and shall report directly to the board.

27 (2) Each community college board of trustees shall
28 undertake a program to eradicate any discrimination on the
29 basis of gender, race, or physical handicap in the granting of
30 salaries to employees.

31 Section 773. Section 1012.86, Florida Statutes, is

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1 created to read:

2 1012.86 Community college employment equity
3 accountability program.--

4 (1) Each community college shall include in its annual
5 equity update a plan for increasing the representation of
6 women and minorities in senior-level administrative positions
7 and in full-time faculty positions, and for increasing the
8 representation of women and minorities who have attained
9 continuing-contract status. Positions shall be defined in the
10 personnel data element directory of the Department of
11 Education. The plan must include specific measurable goals and
12 objectives, specific strategies and timelines for
13 accomplishing these goals and objectives, and comparable
14 national standards as provided by the Department of Education.
15 The goals and objectives shall be based on meeting or
16 exceeding comparable national standards and shall be reviewed
17 and recommended by the State Board of Education as
18 appropriate. Such plans shall be maintained until appropriate
19 representation has been achieved and maintained for at least 3
20 consecutive reporting years.

21 (2)(a) On or before May 1 of each year, each community
22 college president shall submit an annual employment
23 accountability plan to the Commissioner of Education and the
24 State Board of Education. The accountability plan must show
25 faculty and administrator employment data according to
26 requirements specified on the federal Equal Employment
27 Opportunity (EE0-6) report.

28 (b) The plan must show the following information for
29 those positions including, but not limited to:

30 1. Job classification title.

31 2. Gender.

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1 3. Ethnicity.

2 4. Appointment status.

3 5. Salary information. At each community college,
4 salary information shall also include the salary ranges in
5 which new hires were employed compared to the salary ranges
6 for employees with comparable experience and qualifications.

7 6. Other comparative information including, but not
8 limited to, composite information regarding the total number
9 of positions within the particular job title classification
10 for the community college by race, gender, and salary range
11 compared to the number of new hires.

12 7. A statement certifying diversity and balance in the
13 gender and ethnic composition of the selection committee for
14 each vacancy, including a brief description of guidelines used
15 for ensuring balanced and diverse membership on selection and
16 review committees.

17 (c) The annual employment accountability plan shall
18 also include an analysis and an assessment of the community
19 college's attainment of annual goals and of long-range goals
20 for increasing the number of women and minorities in faculty
21 and senior-level administrative positions, and a corrective
22 action plan for addressing underrepresentation.

23 (d) Each community college's employment accountability
24 plan must also include:

25 1. The requirements for receiving a continuing
26 contract.

27 2. A brief description of the process used to grant
28 continuing-contract status.

29 3. A brief description of the process used to annually
30 apprise each eligible faculty member of progress toward
31 attainment of continuing-contract status.

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1 (3) Community college presidents and the heads of each
2 major administrative division shall be evaluated annually on
3 the progress made toward meeting the goals and objectives of
4 the community college's employment accountability plan.

5 (a) The community college presidents, or the
6 presidents' designees, shall annually evaluate each department
7 chairperson, dean, provost, and vice president in achieving
8 the annual and long-term goals and objectives. A summary of
9 the results of such evaluations shall be reported annually by
10 the community college president to the community college board
11 of trustees. Annual budget allocations by the community
12 college board of trustees for positions and funding must take
13 into consideration these evaluations.

14 (b) Community college boards of trustees shall
15 annually evaluate the performance of the community college
16 presidents in achieving the annual and long-term goals and
17 objectives. A summary of the results of such evaluations shall
18 be reported to the Commissioner of Education and the State
19 Board of Education as part of the community college's annual
20 employment accountability plan, and to the Legislature as part
21 of the annual equity progress report submitted by the State
22 Board of Education.

23 (4) The State Board of Education shall submit an
24 annual equity progress report to the President of the Senate
25 and the Speaker of the House of Representatives on or before
26 January 1 of each year.

27 (5) Each community college shall develop a budgetary
28 incentive plan to support and ensure attainment of the goals
29 developed pursuant to this section. The plan shall specify,
30 at a minimum, how resources shall be allocated to support the
31 achievement of goals and the implementation of strategies in a

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1 timely manner. After prior review and approval by the
2 community college president and the community college board of
3 trustees, the plan shall be submitted as part of the annual
4 employment accountability plan submitted by each community
5 college to the State Board of Education.

6 (6) Subject to available funding, the Legislature
7 shall provide an annual appropriation to the State Board of
8 Education to be allocated to community college presidents,
9 faculty, and administrative personnel to further enhance
10 equity initiatives and related priorities that support the
11 mission of colleges and departments in recognition of the
12 attainment of the equity goals and objectives.

13 Section 774. Section 1012.865, Florida Statutes, is
14 created to read:

15 1012.865 Sick leave.--Each community college board of
16 trustees shall adopt rules whereby any full-time employee who
17 is unable to perform his or her duties at the community
18 college on account of personal sickness, accident disability,
19 or extended personal illness, or because of illness or death
20 of the employee's father, mother, brother, sister, husband,
21 wife, child, or other close relative or member of the
22 employee's own household, and who consequently has to be
23 absent from work shall be granted leave of absence for
24 sickness by the president or by the president's designated
25 representative. The following provisions shall govern sick
26 leave:

27 (1) DEFINITIONS.--As used in this section, unless the
28 context otherwise requires, the term:

29 (a) "Educational support employee" means any person
30 employed by a community college as an education or
31 administrative paraprofessional; a member of the operations,

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1 maintenance, or comparable department; or a secretary,
2 clerical, or comparable level support employee.

3 (b) "Instructional staff" shall be used synonymously
4 with the word "teacher" or "faculty" and includes faculty
5 members, librarians, counselors, and other comparable members
6 engaged in an instructional capacity in the community college.

7 (2) EXTENT OF LEAVE WITH COMPENSATION.--

8 (a) Each full-time employee shall earn 1 day of sick
9 leave with compensation for each calendar month or major
10 fraction of a calendar month of service, not to exceed 12 days
11 for each fiscal year. Such leave shall be taken only when
12 necessary because of sickness as herein prescribed. Such sick
13 leave shall be cumulative from year to year. Accumulated sick
14 leave may be transferred from another Florida community
15 college, the Florida Department of Education, a state
16 university, a Florida district school board, or a state
17 agency, provided that at least one-half of the sick leave
18 accumulated at any time must have been established in the
19 college in which such employee is currently employed.

20 (b) A community college board of trustees may
21 establish rules and prescribe procedures whereby a full-time
22 employee may, at the beginning date of employment in any year,
23 be credited with 12 days of sick leave with compensation in
24 excess of the number of days the employee has earned. Upon
25 termination of employment, the employee's final compensation
26 shall be adjusted in an amount necessary to ensure that sick
27 leave with compensation does not exceed the days of earned
28 sick leave as provided herein.

29 (c) A community college board of trustees may
30 establish rules and prescribe standards to permit a full-time
31 employee to be absent no more than 4 days for personal

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1 reasons. However, such absences for personal reasons shall be
2 charged only to accrued sick leave, and leave for personal
3 reasons shall be noncumulative.

4 (d) A community college board of trustees may
5 establish rules to provide terminal pay for accumulated sick
6 leave to full-time instructional staff and educational support
7 employees or to the employee's beneficiary if service is
8 terminated by death. However, such terminal pay may not
9 exceed an amount determined as follows:

10 1. During the first 3 years of service, the daily rate
11 of pay multiplied by 35 percent times the number of days of
12 accumulated sick leave.

13 2. During the next 3 years of service, the daily rate
14 of pay multiplied by 40 percent times the number of days of
15 accumulated sick leave.

16 3. During the next 3 years of service, the daily rate
17 of pay multiplied by 45 percent times the number of days of
18 accumulated sick leave.

19 4. During the 10th year of service, the daily rate of
20 pay multiplied by 50 percent times the number of days of
21 accumulated sick leave.

22 5. During the next 20 years of service, the daily rate
23 of pay multiplied by 50 percent plus up to an additional 2.5
24 percent per year for each year of service beyond 10 years,
25 times the number of days of accumulated sick leave.

26
27 If an employee receives terminal pay benefits based on unused
28 sick leave credit, all unused sick leave credit shall become
29 invalid; however, if an employee terminates his or her
30 employment without receiving terminal pay benefits and is
31 reemployed, his or her sick leave credit shall be reinstated.

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1 (e) A community college board of trustees may, by
2 rule, provide for terminal pay for accumulated unused sick
3 leave to be paid to any full-time employee of a community
4 college other than instructional staff or educational support
5 employees. If termination of employment is by death of the
6 employee, any terminal pay to which the employee may have been
7 entitled shall be made to the employee's beneficiary.

8 1. For unused sick leave accumulated before July 1,
9 2001, terminal pay shall be made pursuant to rules or policies
10 of the board of trustees which were in effect on June 30,
11 2001.

12 2. For unused sick leave accumulated on or after July
13 1, 2001, terminal payment may not exceed an amount equal to
14 one-fourth of the employee's unused sick leave or 60 days of
15 the employee's pay, whichever amount is less.

16 3. If the employee had an accumulated sick leave
17 balance of 60 days or more on June 30, 2001, sick leave earned
18 after that date may not be accumulated for terminal pay
19 purposes until the accumulated leave balance as of June 30,
20 2001, is less than 60 days.

21 (3) CLAIM MUST BE FILED.--Any full-time employee who
22 finds it necessary to be absent from his or her duties because
23 of illness as defined in this section shall notify the
24 community college president or a college official designated
25 by the president, if possible before the opening of college on
26 the day on which the employee must be absent or during the
27 day, except when he or she is absent for emergency reasons
28 recognized by the community college board of trustees as
29 valid. Any employee shall, before claiming and receiving
30 compensation for the time absent from his or her duties while
31 absent because of sick leave as prescribed in this section,

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1 make and file a written certificate which shall set forth the
2 day or days absent, that such absence was necessary, and that
3 he or she is entitled or not entitled to receive pay for such
4 absence in accordance with the provisions of this section. The
5 community college board of trustees may adopt rules under
6 which the president may require a certificate of illness from
7 a licensed physician or from the county health officer.

8 (4) COMPENSATION.--Any full-time employee who has
9 unused sick leave credit shall receive full-time compensation
10 for the time justifiably absent on sick leave; however, no
11 compensation may be allowed beyond that provided in subsection
12 (6).

13 (5) EXPENDITURE AUTHORIZED.--Community college boards
14 of trustees may expend public funds for payment to employees
15 on account of sickness. The expending and excluding of such
16 funds shall be in compliance with rules adopted by the
17 Department of Management Services pursuant to chapter 650.

18 (6) SICK LEAVE POOL.--Notwithstanding any other
19 provision of this section, a community college board of
20 trustees may, by rule, based upon the maintenance of reliable
21 and accurate records by the community college showing the
22 amount of sick leave which has been accumulated and is unused
23 by employees in accordance with this section, establish a plan
24 allowing participating full-time employees of the community
25 college to pool sick leave accrued and allowing any sick leave
26 thus pooled to be disbursed to any participating employee who
27 is in need of sick leave in excess of that amount he or she
28 has personally accrued. Such rules shall include, but not be
29 limited to, the following provisions:

30 (a) Participation in the sick leave pool shall at all
31 times be voluntary on the part of employees.

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1 (b) Any full-time employee shall be eligible for
2 participation in the sick leave pool after 1 year of
3 employment with the community college, provided such employee
4 has accrued a minimum amount of unused sick leave, which
5 minimum shall be established by rule.

6 (c) Any sick leave pooled pursuant to this section
7 shall be removed from the personally accumulated sick leave
8 balance of the employee donating such leave.

9 (d) Participating employees shall make equal
10 contributions to the sick leave pool. There shall be
11 established a maximum amount of sick leave which may be
12 contributed to the pool by an employee. After the initial
13 contribution which an employee makes upon electing to
14 participate, no further contributions shall be required except
15 as may be necessary to replenish the pool. Any such further
16 contribution shall be equally required of all employees
17 participating in the pool.

18 (e) Any sick leave time drawn from the pool by a
19 participating employee must be used for that employee's
20 personal illness, accident, or injury.

21 (f) A participating employee will not be eligible to
22 use sick leave from the pool until all of his or her sick
23 leave has been depleted. There shall be established a maximum
24 number of days for which an employee may draw sick leave from
25 the sick leave pool.

26 (g) A participating employee who uses sick leave from
27 the pool will not be required to recontribute such sick leave
28 to the pool, except as otherwise provided herein.

29 (h) A participating employee who chooses to no longer
30 participate in the sick leave pool will not be eligible to
31 withdraw any sick leave already contributed to the pool.

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1 (i) Alleged abuse of the use of the sick leave pool
2 shall be investigated, and, on a finding of wrongdoing, the
3 employee shall repay all of the sick leave credits drawn from
4 the sick leave pool and shall be subject to such other
5 disciplinary action as is determined by the board to be
6 appropriate. Rules adopted for the administration of this
7 program shall provide for the investigation of the use of sick
8 leave utilized by the participating employee in the sick leave
9 pool.

10 Section 775. Section 1012.87, Florida Statutes, is
11 created to read:

12 1012.87 Retirement annuities.--Each community college
13 board of trustees may purchase annuities for its community
14 college personnel who have 25 or more years of creditable
15 service and who have reached age 55 and have applied for
16 retirement under the Florida Retirement System. No such
17 annuity may provide for more than the total difference in
18 retirement income between the retirement benefit based on
19 average monthly compensation and creditable service as of the
20 member's early retirement date and the early retirement
21 benefit. Community college boards of trustees may also
22 purchase annuities for members of the Florida Retirement
23 System who have out-of-state teaching service in another state
24 or country which is documented as valid by the appropriate
25 educational entity. Such annuities may be based on no more
26 than 5 years of out-of-state teaching service and may equal,
27 but not exceed, the benefits that would be payable under the
28 Florida Retirement System if credit for out-of-state teaching
29 was authorized under that system. Each community college board
30 of trustees may invest funds, purchase annuities, or provide
31 local supplemental retirement programs for purposes of

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1 providing retirement annuities for community college
2 personnel. All such retirement annuities shall comply with s.
3 14, Art. X of the State Constitution.

4 Section 776. Section 1012.875, Florida Statutes, is
5 created to read:

6 1012.875 Community College Optional Retirement
7 Program.--Each community college may implement an optional
8 retirement program, if such program is established therefor
9 pursuant to s. 1001.64(20), under which annuity contracts
10 providing retirement and death benefits may be purchased by,
11 and on behalf of, eligible employees who participate in the
12 program. Except as otherwise provided herein, this retirement
13 program, which shall be known as the State Community College
14 System Optional Retirement Program, may be implemented and
15 administered only by an individual community college or by a
16 consortium of community colleges.

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

18 (a) "Activation" means the date upon which an optional
19 retirement program is first made available by the program
20 administrator to eligible employees.

21 (b) "College" means community colleges as defined in
22 s. 1000.21.

23 (c) "Department" means the Department of Management
24 Services.

25 (d) "Program administrator" means the individual
26 college or consortium of colleges responsible for implementing
27 and administering an optional retirement program.

28 (e) "Program participant" means an eligible employee
29 who has elected to participate in an available optional
30 retirement program as authorized by this section.

31 (2) Participation in the optional retirement program

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1 provided by this section is limited to employees who satisfy
2 the criteria set forth in s. 121.051(2)(c).

3 (3)(a) With respect to any employee who is eligible to
4 participate in the optional retirement program by reason of
5 qualifying employment commencing before the program's
6 activation:

7 1. The employee may elect to participate in the
8 optional retirement program in lieu of participation in the
9 Florida Retirement System. To become a program participant,
10 the employee must file with the personnel officer of the
11 college, within 60 days after the program's activation, both a
12 written election on a form provided by the department and a
13 completed application for an individual contract or
14 certificate.

15 2. An employee's participation in the optional
16 retirement program commences on the first day of the next full
17 calendar month following the filing of the election and
18 completed application with the program administrator and
19 receipt of such election by the department. An employee's
20 membership in the Florida Retirement System terminates on this
21 same date.

22 3. Any such employee who fails to make an election to
23 participate in the optional retirement program within 60 days
24 after its activation has elected to retain membership in the
25 Florida Retirement System.

26 (b) With respect to any employee who becomes eligible
27 to participate in an optional retirement program by reason of
28 qualifying employment commencing on or after the program's
29 activation:

30 1. The employee may elect to participate in the
31 optional retirement program in lieu of participation in the

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1 Florida Retirement System. To become a program participant,
2 the employee must file with the personnel officer of the
3 college, within 60 days after commencing qualifying
4 employment, both a written election on a form provided by the
5 department and a completed application for an individual
6 contract or certificate.

7 2. An employee's participation in the optional
8 retirement program commences on the first day of the next full
9 calendar month following the filing of the election and
10 completed application with the program administrator and
11 receipt of such election by the department. An employee's
12 membership in the Florida Retirement System terminates on this
13 same date.

14 3. If the employee makes an election to participate in
15 the optional retirement program before the community college
16 submits its initial payroll for the employee, participation in
17 the optional retirement program commences on the first date of
18 employment.

19 4. Any such employee who fails to make an election to
20 participate in the optional retirement program within 60 days
21 after commencing qualifying employment has elected to retain
22 membership in the Florida Retirement System.

23 (c) Any employee who, on or after an optional
24 retirement program's activation, becomes eligible to
25 participate in the program by reason of a change in status due
26 to the subsequent designation of the employee's position as
27 one of those referenced in subsection (2), or due to the
28 employee's appointment, promotion, transfer, or
29 reclassification to a position referenced in subsection (2),
30 must be notified by the community college of the employee's
31 eligibility to participate in the optional retirement program

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1 in lieu of participation in the Florida Retirement System.
2 These eligible employees are subject to the provisions of
3 paragraph (b) and may elect to participate in the optional
4 retirement program in the same manner as those employees
5 described in paragraph (b), except that the 60-day election
6 period commences upon the date notice of eligibility is
7 received by the employee.

8 (d) Program participants must be fully and immediately
9 vested in the optional retirement program.

10 (e) The election by an eligible employee to
11 participate in the optional retirement program is irrevocable
12 for so long as the employee continues to meet the eligibility
13 requirements set forth in this section and in s.
14 121.051(2)(c), except as provided in paragraph (i).

15 (f) If a program participant becomes ineligible to
16 continue participating in the optional retirement program
17 pursuant to the criteria referenced in subsection (2), the
18 employee becomes a member of the Florida Retirement System if
19 eligible. The college must notify the department of an
20 employee's change in eligibility status within 30 days after
21 the event that makes the employee ineligible to continue
22 participation in the optional retirement program.

23 (g) An eligible employee who is a member of the
24 Florida Retirement System at the time of election to
25 participate in the optional retirement program retains all
26 retirement service credit earned under the Florida Retirement
27 System at the rate earned. Additional service credit in the
28 Florida Retirement System may not be earned while the employee
29 participates in the optional retirement program, nor is the
30 employee eligible for disability retirement under the Florida
31 Retirement System.

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1 (h) A program participant may not simultaneously
2 participate in any other state-administered retirement system,
3 plan, or class.

4 (i) Except as provided in s. 121.052(6)(d), a program
5 participant who is or who becomes dually employed in two or
6 more positions covered by the Florida Retirement System, one
7 of which is eligible for an optional retirement program
8 pursuant to this section and one of which is not, is subject
9 to the dual employment provisions of chapter 121.

10 (4)(a) Each college must contribute on behalf of each
11 program participant an amount equal to 10.43 percent of the
12 participant's gross monthly compensation. The college shall
13 deduct an amount approved by the community college to provide
14 for the administration of the optional retirement program.
15 Payment of this contribution must be made either directly by
16 the community college or through the program administrator to
17 the designated company contracting for payment of benefits to
18 the program participant.

19 (b) Each community college must contribute on behalf
20 of each program participant an amount equal to the unfunded
21 actuarial accrued liability portion of the employer
22 contribution which would be required if the program
23 participant were a member of the Regular Class of the Florida
24 Retirement System. Payment of this contribution must be made
25 directly by the college to the department for deposit in the
26 Florida Retirement System Trust Fund.

27 (c) Each program participant who has executed an
28 annuity contract may contribute by way of salary reduction or
29 deduction a percentage of the program participant's gross
30 compensation, but this percentage may not exceed the
31 corresponding percentage contributed by the community college

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1 to the optional retirement program. Payment of this
2 contribution may be made either directly by the college or
3 through the program administrator to the designated company
4 contracting for payment of benefits to the program
5 participant.

6 (d) Contributions to an optional retirement program by
7 a college or a program participant are in addition to, and
8 have no effect upon, contributions required now or in future
9 by the federal Social Security Act.

10 (5)(a) The benefits to be provided to program
11 participants must be provided through individual contracts or
12 group annuity contracts, which may be fixed, variable, or
13 both. Each individual contract or certificate must state the
14 type of annuity contract on its face page, and must include at
15 least a statement of ownership, the contract benefits, annuity
16 income options, limitations, expense charges, and surrender
17 charges, if any.

18 (b) Benefits are payable under the optional retirement
19 program to program participants or their beneficiaries, and
20 the benefits must be paid only by the designated company in
21 accordance with the terms of the annuity contracts applicable
22 to the program participant, provided that benefits funded by
23 employer contributions are payable only as a lifetime annuity
24 to the program participant, except for:

25 1. A lump-sum payment to the program participant's
26 beneficiary or estate upon the death of the program
27 participant; or

28 2. A cash-out of a de minimis account upon the request
29 of a former program participant who has been terminated for a
30 minimum of 6 months from the employment that caused the
31 participant to be eligible for participation. A de minimis

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1 account is an account with a designated company containing
2 employer contributions and accumulated earnings of not more
3 than \$3,500. The cash-out must be a complete liquidation of
4 the account balance with that designated company and is
5 subject to the provisions of the Internal Revenue Code.

6 (c) The benefits payable to any person under the
7 optional retirement program, and any contribution accumulated
8 under the program, are not subject to assignment, execution,
9 attachment, or to any legal process whatsoever.

10 (6)(a) The optional retirement program authorized by
11 this section must be implemented and administered by the
12 program administrator under s. 403(b) of the Internal Revenue
13 Code. The program administrator has the express authority to
14 contract with a third party to fulfill any of the program
15 administrator's duties.

16 (b) The program administrator shall solicit
17 competitive bids or issue a request for proposal and select no
18 more than four companies from which annuity contracts may be
19 purchased under the optional retirement program. In making
20 these selections, the program administrator shall consider the
21 following factors:

22 1. The financial soundness of the company.

23 2. The extent of the company's experience in providing
24 annuity contracts to fund retirement programs.

25 3. The nature and extent of the rights and benefits
26 provided to program participants in relation to the premiums
27 paid.

28 4. The suitability of the rights and benefits provided
29 to the needs of eligible employees and the interests of the
30 college in the recruitment and retention of employees.

31

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1 In lieu of soliciting competitive bids or issuing a request
2 for proposals, the program administrator may authorize the
3 purchase of annuity contracts under the optional retirement
4 program from those companies currently selected by the
5 department to offer such contracts through the State
6 University System Optional Retirement Program, as set forth in
7 s. 121.35.

8 (c) Optional retirement program annuity contracts must
9 be approved in form and content by the program administrator
10 in order to qualify. The program administrator may use the
11 same annuity contracts currently used within the State
12 University System Optional Retirement Program, as set forth in
13 s. 121.35.

14 (d) The provision of each annuity contract applicable
15 to a program participant must be contained in a written
16 program description that includes a report of pertinent
17 financial and actuarial information on the solvency and
18 actuarial soundness of the program and the benefits applicable
19 to the program participant. The company must furnish the
20 description annually to the program administrator, and to each
21 program participant upon commencement of participation in the
22 program and annually thereafter.

23 (e) The program administrator must ensure that each
24 program participant is provided annually with an accounting of
25 the total contributions and the annual contributions made by
26 and on the behalf of the program participant.

27 Section 777. Section 1012.88, Florida Statutes, is
28 created to read:

29 1012.88 Community college police.--

30 (1) Each community college is permitted and empowered
31 to employ police officers for the community college, who must

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1 be designated community college police.

2 (2) Each community college police officer is a law
3 enforcement officer of the state and a conservator of the
4 peace who has the authority to arrest, in accordance with the
5 laws of this state, any person for a violation of state law or
6 applicable county or municipal ordinance if that violation
7 occurs on or in any property or facilities of the community
8 college by which he or she is employed or any property or
9 facilities of a direct-support organization of such community
10 college. A community college police officer may also arrest a
11 person off campus for a violation committed on campus after a
12 hot pursuit of that person that began on any such property or
13 facilities. A community college police officer may bear arms
14 in the performance of his or her duties and carry out a search
15 pursuant to a search warrant on the campus where he or she is
16 employed. Community college police, upon request of the
17 sheriff or local police authority, may serve subpoenas or
18 other legal process and may make arrests of persons against
19 whom arrest warrants have been issued or against whom charges
20 have been made for violations of federal or state laws or
21 county or municipal ordinances.

22 (3) Community college police shall promptly deliver
23 all persons arrested and charged with felonies to the sheriff
24 of the county within which the community college is located
25 and all persons arrested and charged with misdemeanors to the
26 applicable authority as provided by law, but otherwise to the
27 sheriff of the county in which the community college is
28 located.

29 (4) Community college police must meet the minimum
30 standards established by the Police Standards and Training
31 Commission of the Department of Law Enforcement and chapter

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1 943 for law enforcement officers. Each community college
2 police officer must, before entering into the performance of
3 his or her duties, take the oath of office established by the
4 community college. Each community college that employs police
5 officers may obtain and approve a bond on each police officer,
6 conditioned upon the officer's faithful performance of his or
7 her duties, which bond must be payable to the Governor. The
8 community college may determine the amount of the bond. In
9 determining the amount of the bond, the community college may
10 consider the amount of money or property likely to be in the
11 custody of the officer at any one time. The community college
12 shall provide a uniform set of identifying credentials to each
13 community college police officer it employs.

14 (5) In performance of any of the powers, duties, and
15 functions authorized by law, community college police have the
16 same rights, protections, and immunities afforded other law
17 enforcement officers.

18 (6) The community college, with the approval of the
19 Department of Law Enforcement, shall adopt rules, including,
20 without limitation, rules for the appointment, employment, and
21 removal of community college police in accordance with the
22 state Career Service System and shall establish in writing a
23 policy manual, that includes, without limitation, procedures
24 for managing routine law enforcement situations and emergency
25 law enforcement situations. The community college shall
26 furnish a copy of the policy manual to each of the police
27 officers it employs.

28 Section 778. Part IV.c. of chapter 1012, Florida
29 Statutes, shall be entitled "Universities; Personnel" and
30 shall consist of ss. 1012.91-1012.97.

31 Section 779. Section 1012.91, Florida Statutes, is

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1 created to read:

2 1012.91 Personnel records.--

3 (1) Each university board of trustees shall adopt
4 rules prescribing the content and custody of limited-access
5 records that the university may maintain on its employees.
6 Such limited-access records are confidential and exempt from
7 the provisions of s. 119.07(1). Such records are limited to
8 the following:

9 (a) Records containing information reflecting academic
10 evaluations of employee performance shall be open to
11 inspection only by the employee and by officials of the
12 university responsible for supervision of the employee.

13 (b) Records maintained for the purposes of any
14 investigation of employee misconduct, including but not
15 limited to a complaint against an employee and all information
16 obtained pursuant to the investigation of such complaint,
17 shall be confidential until the investigation ceases to be
18 active or until the university provides written notice to the
19 employee who is the subject of the complaint that the
20 university has either:

21 1. Concluded the investigation with a finding not to
22 proceed with disciplinary action;

23 2. Concluded the investigation with a finding to
24 proceed with disciplinary action; or

25 3. Issued a letter of discipline.

26
27 For the purpose of this paragraph, an investigation shall be
28 considered active as long as it is continuing with a
29 reasonable, good faith anticipation that a finding will be
30 made in the foreseeable future. An investigation shall be
31 presumed to be inactive if no finding is made within 90 days

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1 after the complaint is filed.

2 (c) Records maintained for the purposes of any
3 disciplinary proceeding brought against an employee shall be
4 confidential until a final decision is made in the proceeding.
5 The record of any disciplinary proceeding, including any
6 evidence presented, shall be open to inspection by the
7 employee at all times.

8 (d) Records maintained for the purposes of any
9 grievance proceeding brought by an employee for enforcement of
10 a collective bargaining agreement or contract shall be
11 confidential and shall be open to inspection only by the
12 employee and by officials of the university conducting the
13 grievance proceeding until a final decision is made in the
14 proceeding.

15 (2) Notwithstanding the foregoing, any records or
16 portions thereof which are otherwise confidential by law shall
17 continue to be exempt from the provisions of s. 119.07(1). In
18 addition, for sexual harassment investigations, portions of
19 such records which identify the complainant, a witness, or
20 information which could reasonably lead to the identification
21 of the complainant or a witness are limited-access records.

22 (3) Except as required for use by the president in the
23 discharge of his or her official responsibilities, the
24 custodian of limited-access records may release information
25 from such records only upon authorization in writing from the
26 employee or upon order of a court of competent jurisdiction.

27 (4) Notwithstanding the provisions of subsection (1),
28 records comprising the common core items contained in the
29 State University System Student Assessment of Instruction or
30 comparable instrument may not be prescribed as limited-access
31 records.

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1 (5) This section shall apply to records created after
2 July 1, 1995.

3 Section 780. Section 1012.92, Florida Statutes, is
4 created to read:

5 1012.92 Personnel codes of conduct; disciplinary
6 measures; rulemaking authority.--

7 (1) Each university board of trustees may adopt, by
8 rule, codes of conduct and appropriate penalties for
9 violations of rules by employees, to be administered by the
10 university. Such penalties, unless otherwise provided by law,
11 may include: reprimand; restitution; fines; restrictions on
12 the use of or removal from university facilities; educational
13 training or counseling requirements; and the imposition of
14 probation, suspension, dismissal, demotion, or other
15 appropriate disciplinary action.

16 (2) Sanctions authorized by university codes of
17 conduct may be imposed only for acts or omissions in violation
18 of rules adopted by the university, including rules adopted
19 under this section, rules of the State Board of Education,
20 county and municipal ordinances, and the laws of this state,
21 the United States, or any other state.

22 (3) The university board of trustees shall adopt rules
23 for the lawful discipline of any employee who intentionally
24 acts to impair, interfere with, or obstruct the orderly
25 conduct, processes, and functions of a state university. Said
26 rules may apply to acts conducted on or off campus when
27 relevant to such orderly conduct, processes, and functions.

28 Section 781. Section 1012.93, Florida Statutes, is
29 created to read:

30 1012.93 Faculty members; test of spoken English.--The
31 State Board of Education shall adopt rules requiring that all

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1 faculty members in each state university and New College,
2 other than those persons who teach courses that are conducted
3 primarily in a foreign language, be proficient in the oral use
4 of English, as determined by a satisfactory grade on the "Test
5 of Spoken English" of the Educational Testing Service or a
6 similar test approved by the state board.

7 Section 782. Section 1012.94, Florida Statutes, is
8 created to read:

9 1012.94 Evaluations of faculty members; report.--

10 (1) For the purpose of evaluating faculty members,
11 each university board of trustees shall adopt rules for the
12 assignment of duties and responsibilities to faculty members.
13 These assigned duties or responsibilities shall be conveyed to
14 each faculty member at the beginning of each academic term, in
15 writing, by his or her departmental chair or other appropriate
16 university administrator making the assignment. In evaluating
17 the competencies of a faculty member, primary assessment shall
18 be in terms of his or her performance of the assigned duties
19 and responsibilities, and such evaluation shall be given
20 adequate consideration for the purpose of salary adjustments,
21 promotions, reemployment, and tenure. A faculty member who is
22 assigned full-time teaching duties as provided by law shall be
23 rewarded with salary adjustments, promotions, reemployment, or
24 tenure for meritorious teaching and other scholarly activities
25 related thereto.

26 (2) The State Board of Education shall establish
27 criteria for evaluating the quantity and quality of service to
28 public schools by university faculty members and shall require
29 consideration of this service in promotion, tenure, and other
30 reward measures. Each university board of trustees shall
31 ensure that the following policies are implemented:

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1 (a) Flexible criteria for rewarding faculty members,
2 consistent with the educational goals and objectives of the
3 university, shall be established, which criteria shall include
4 quality teaching and service to public schools as major
5 factors in determining salary adjustments, promotions,
6 reemployment, or tenure.

7 (b) Measures shall be taken to increase the
8 recognition, reinforcements, and rewards given quality
9 teaching and service to public schools. Such measures might
10 include grants for professional development, curriculum
11 improvement, and instructional innovation, as well as awards
12 of varying kinds for meritorious teaching.

13 (c) The means of identifying and evaluating quality
14 teachers and outstanding service to public schools shall be
15 determined in accordance with established guidelines of the
16 university.

17 (3) The chief academic officer at each state
18 university and New College shall disseminate information to
19 all faculty members which clearly states that service to
20 public schools is one of the criteria used to determine salary
21 adjustments, promotions, reemployment, and tenure for faculty
22 members.

23 Section 783. Section 1012.945, Florida Statutes, is
24 created to read:

25 1012.945 Required number of classroom teaching hours
26 for university faculty members.--

27 (1) As used in this section:

28 (a) "State funds" means those funds appropriated
29 annually in the General Appropriations Act.

30 (b) "Classroom contact hour" means a regularly
31 scheduled 1-hour period of classroom activity in a course of

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1 instruction which has been approved by the university.
2 (2) Each full-time equivalent teaching faculty member
3 at a university who is paid wholly from state funds shall
4 teach a minimum of 12 classroom contact hours per week at such
5 university. However, any faculty member who is assigned by his
6 or her departmental chair or other appropriate university
7 administrator professional responsibilities and duties in
8 furtherance of the mission of the university shall teach a
9 minimum number of classroom contact hours in proportion to 12
10 classroom hours per week as such especially assigned
11 mentioned duties and responsibilities bear to 12
12 classroom contact hours per week. Any full-time faculty member
13 who is paid partly from state funds and partly from other
14 funds or appropriations shall teach a minimum number of
15 classroom contact hours in such proportion to 12 classroom
16 contact hours per week as his or her salary paid from state
17 funds bears to his or her total salary. In determining the
18 appropriate hourly weighting of assigned duties other than
19 classroom contact hours, the universities shall develop and
20 apply a formula designed to equate the time required for
21 nonclassroom duties with classroom contact hours. "Full-time
22 equivalent teaching faculty member" shall be interpreted to
23 mean all faculty personnel budgeted in the instruction and
24 research portion of the budget, exclusive of those full-time
25 equivalent positions assigned to research, public service,
26 administrative duties, and academic advising. Full-time
27 administrators, librarians, and counselors shall be exempt
28 from the provisions of this section; and colleges of medicine
29 and law and others which are required for purposes of
30 accreditation to meet national standards prescribed by the
31 American Medical Association, the American Bar Association, or

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1 other professional associations shall be exempt from the
2 provisions of this section to the extent that the requirements
3 of this section differ from the requirements of accreditation.

4 Section 784. Section 1012.95, Florida Statutes, is
5 created to read:

6 1012.95 University employment equity accountability
7 program.--

8 (1) Each state university and New College shall
9 maintain an annual equity plan for appropriate representation
10 of women and minorities in senior-level administrative
11 positions, within tenure-track faculty, and within
12 faculty-granted tenure. Such plan shall be maintained until
13 appropriate representation has been achieved. As used in this
14 subsection, the term:

15 (a) "Appropriate representation" means category
16 employment representation that at least meets comparable
17 national standards for at least two consecutive reporting
18 periods.

19 (b) "Category" means major executive, administrative,
20 and professional grouping, including senior-level
21 administrative and professional positions, senior academic
22 administrative-level positions, and tenure-track faculty.

23 (2)(a) By April 1 of each year, each state university
24 president shall submit an annual equity report to the
25 Commissioner of Education and the State Board of Education.
26 The equity report shall consist of a status update, an
27 analysis, and a status report of selected personnel
28 transactions. As used in this paragraph, the term, "selected
29 personnel transactions" means new hires in, promotions into,
30 tenure actions in, and terminations from a category. Each
31 university shall provide the following information for the

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1 selected personnel transactions including, but not limited to:

2 1. Job classification title.

3 2. Gender.

4 3. Race.

5 4. Appointment status.

6

7 The status update shall assess underrepresentation in each
8 category. The status report shall consist of current category
9 employment representation, comparable national standards, an
10 evaluation of representation, and annual goals to address
11 underrepresentation.

12 (b) After 1 year of implementation of a plan, and
13 annually thereafter, for those categories in which prior year
14 goals were not achieved, each university shall provide, in its
15 annual equity report, a narrative explanation and a plan for
16 achievement of equity. The plan shall include guidelines for
17 ensuring balanced membership on selection committees and
18 specific steps for developing a diverse pool of candidates for
19 each vacancy in the category. The plan shall also include a
20 systematic process by which those responsible for hiring are
21 provided information and are evaluated regarding their
22 responsibilities pursuant to this section.

23 (c) The equity report shall include an analysis and
24 assessment of the university's accomplishment of annual goals,
25 as specified in the university's affirmative action plan, for
26 increasing the representation of women and minorities in
27 tenure-earning and senior-level administrative positions.

28 (d) The equity report shall also include the current
29 rank, race, and gender of faculty eligible for tenure in a
30 category. In addition, each university shall report
31 representation of the pool of tenure-eligible faculty at each

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1 stage of the transaction process and provide certification
2 that each eligible faculty member was apprised annually of
3 progress toward tenure. Each university shall also report on
4 the dissemination of standards for achieving tenure; racial
5 and gender composition of committees reviewing recommendations
6 at each transaction level; and dissemination of guidelines for
7 equitable distribution of assignments.

8 (3)(a) A factor in the evaluation of university
9 presidents, vice presidents, deans, and chairpersons shall be
10 their annual progress in achieving the annual and long-range
11 hiring and promotional goals and objectives, as specified in
12 the university's equity plan and affirmative action plan.
13 Annual budget allocations for positions and funding shall be
14 based on this evaluation. A summary of such evaluations shall
15 be submitted to the Commissioner of Education and the State
16 Board of Education as part of the university's annual equity
17 report.

18 (b) The university boards of trustees shall annually
19 evaluate the performance of the university presidents in
20 achieving the annual equity goals and objectives. A summary of
21 the results of such evaluations shall be included as part of
22 the annual equity progress report submitted by the university
23 boards of trustees to the Legislature and the State Board of
24 Education.

25 (4) The State Board of Education shall submit an
26 annual equity progress report to the President of the Senate
27 and the Speaker of the House of Representatives on or before
28 August 1 of each year.

29 (5) Each university shall develop a budgetary
30 incentive plan to support and ensure attainment of the goals
31 developed pursuant to this section. The plan shall specify, at

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1 a minimum, how resources shall be allocated to support the
2 achievement of goals and the implementation of strategies in a
3 timely manner. After prior review and approval by the
4 university president and the university board of trustees, the
5 plan shall be submitted as part of the annual equity report
6 submitted by each university to the State Board of Education.

7 (6) Relevant components of each university's
8 affirmative action plan may be used to satisfy the
9 requirements of this section.

10 (7) Subject to available funding, the Legislature
11 shall provide an annual appropriation to be allocated to the
12 universities to further enhance equity initiatives and related
13 priorities that support the mission of departments, divisions,
14 or colleges in recognition of the attainment of equity goals
15 and objectives.

16 Section 785. Section 1012.96, Florida Statutes, is
17 created to read:

18 1012.96 IFAS extension personnel; federal health
19 insurance programs notwithstanding the provisions of s.
20 110.123.--The Institute of Food and Agricultural Sciences at
21 the University of Florida may pay the employer's share of
22 premiums to the Federal Health Benefits Insurance Program from
23 its appropriated budget for any cooperative extension employee
24 of the institute having both state and federal appointments
25 and participating in the Federal Civil Service Retirement
26 System.

27 Section 786. Section 1012.965, Florida Statutes, is
28 created to read:

29 1012.965 Payment of costs of civil action against
30 employees.--

31 (1) An employee or agent under the right of control of

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1 a university board of trustees who, pursuant to the university
2 board's policies or rules, renders medical care or treatment
3 at any hospital or health care facility with which the
4 university board maintains an affiliation agreement whereby
5 the hospital or health care facility provides to the
6 university board a clinical setting for health care education,
7 research, and services, shall not be deemed to be an agent of
8 any person other than the university board in any civil action
9 resulting from any act or omission of the employee or agent
10 while rendering said medical care or treatment. For this
11 subsection to apply, the patient shall be provided separate
12 written conspicuous notice by the university board of trustees
13 or by the hospital or health care facility, and shall
14 acknowledge receipt of this notice, in writing, unless
15 impractical by reason of an emergency, either personally or
16 through another person authorized to give consent for him or
17 her, that he or she will receive care provided by university
18 board's employees and liability, if any, that may arise from
19 that care is limited as provided by law. Compliance by a
20 hospital or health care facility with the requirements of
21 chapter 395 or s. 766.110(1) shall not be used as evidence in
22 any civil action to establish an employment or agency
23 relationship between the hospital or health care facility and
24 an employee or agent of the university board of trustees
25 providing services within the hospital or health care
26 facility.

27 (2) All faculty physicians employed by a university
28 board of trustees who are subject to the requirements of s.
29 456.013 shall complete their risk management continuing
30 education on issues specific to academic medicine. Such
31 continuing education shall include instruction for the

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1 supervision of resident physicians as required by the
2 Accreditation Council for Graduate Medical Education. The
3 boards described in s. 456.013 shall adopt rules to implement
4 the provisions of this subsection.

5 (3) There are appropriated out of any funds available
6 to a university, not subject to the obligation of contract,
7 covenant, or trust, the amounts necessary to carry out the
8 purposes of this section.

9 (4) Failure of a university board of trustees or an
10 affiliated health care provider to do any act authorized by
11 this section shall not constitute a cause of action against
12 the university board, or an affiliated health care provider,
13 or any of their members, officers, or employees.

14 Section 787. Section 1012.97, Florida Statutes, is
15 created to read:

16 1012.97 University police.--

17 (1) Each university is empowered and directed to
18 provide for police officers for the university, and such
19 police officers shall hereafter be known and designated as the
20 "university police."

21 (2) The university police are hereby declared to be
22 law enforcement officers of the state and conservators of the
23 peace with the right to arrest, in accordance with the laws of
24 this state, any person for violation of state law or
25 applicable county or city ordinances when such violations
26 occur on any property or facilities that are under the
27 guidance, supervision, regulation, or control of the state
28 university or a direct-support organization of such
29 university, except that arrest may be made off campus when hot
30 pursuit originates on any such property or facilities. Such
31 officers shall have full authority to bear arms in the

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1 performance of their duties and to execute search warrants
2 within their territorial jurisdiction. University police, when
3 requested by the sheriff or local police authority, may serve
4 subpoenas or other legal process and may make arrest of any
5 person against whom a warrant has been issued or any charge
6 has been made of violation of federal or state laws or county
7 or city ordinances.

8 (3) University police shall promptly deliver all
9 persons arrested and charged with a felony to the sheriff of
10 the county within which the university is located, and all
11 persons arrested and charged with misdemeanors shall be
12 delivered to the applicable authority as may be provided by
13 law, but otherwise to the sheriff of the county in which the
14 university is located.

15 (4) University police must meet the minimum standards
16 established by the Criminal Justice Standards and Training
17 Commission and chapter 943. Each police officer shall, before
18 entering into the performance of his or her duties, take the
19 oath of office as established by the university; and the
20 university may obtain and approve a bond on each officer,
21 payable to the Governor and his or her successors in office,
22 conditioned on the faithful performance of the duties of such
23 university police officer. The university may determine the
24 amount of the bond. In determining the amount of the bond, the
25 university may consider the amount of money or property likely
26 to be in the custody of the officer at any one time. The
27 university shall provide a uniform set of identification
28 credentials for each university police officer.

29 (5) In performance of any of the powers, duties, and
30 functions authorized by law or this section, university police
31 shall have the same rights, protections, and immunities

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1 afforded other peace or law enforcement officers.

2 (6) The university, in concurrence with the Department
3 of Law Enforcement, shall adopt rules, including, but not
4 limited to, the appointment, employment, and removal of
5 university police and, further, establish in writing a policy
6 manual, including, but not limited to, routine and emergency
7 law enforcement situations. A policy manual shall be furnished
8 to each university police officer.

9 Section 788. Part V of chapter 1012, Florida Statutes,
10 shall be entitled "Professional Development" and shall consist
11 of ss. 1012.98-1012.985.

12 Section 789. Section 1012.98, Florida Statutes, is
13 created to read:

14 1012.98 School Community Professional Development
15 Act.--

16 (1) The Department of Education, public postsecondary
17 educational institutions, public school districts, and public
18 schools in this state shall collaborate to establish a
19 coordinated system of professional development. The purpose of
20 the professional development system is to enable the school
21 community to meet state and local student achievement
22 standards and the state education goals and to succeed in
23 school improvement as described in s. 1000.03.

24 (2) The school community includes administrative
25 personnel, managers, instructional personnel, support
26 personnel, members of district school boards, members of
27 school advisory councils, parents, business partners, and
28 personnel that provide health and social services to school
29 children. School districts may identify and include
30 additional members of the school community in the professional
31 development activities required by this section.

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1 (3) The activities designed to implement this section
2 must:

3 (a) Increase the success of educators in guiding
4 student learning and development so as to implement state and
5 local educational standards, goals, and initiatives.

6 (b) Assist the school community in providing
7 stimulating educational activities that encourage and motivate
8 students to achieve at the highest levels and to become active
9 learners.

10 (c) Provide continuous support for all education
11 professionals as well as temporary intervention for education
12 professionals who need improvement in knowledge, skills, and
13 performance.

14 (4) The Department of Education, school districts,
15 schools, community colleges, and state universities share the
16 responsibilities described in this section. These
17 responsibilities include the following:

18 (a) The department shall develop and disseminate to
19 the school community model professional development methods
20 and programs that have demonstrated success in meeting
21 identified student needs. The Commissioner of Education shall
22 use data on student achievement to identify student needs. The
23 methods of dissemination must include a statewide performance
24 support system, a database of exemplary professional
25 development activities, a listing of available professional
26 development resources, training programs, and technical
27 assistance.

28 (b) Each school district shall develop a professional
29 development system. The system shall be developed in
30 consultation with teachers and representatives of community
31 college and university faculty, community agencies, and other

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1 interested citizen groups to establish policy and procedures
2 to guide the operation of the district professional
3 development program. The professional development system
4 must:
5 1. Be approved by the department. All substantial
6 revisions to the system shall be submitted to the department
7 for review for continued approval.
8 2. Require the use of student achievement data; school
9 discipline data; school environment surveys; assessments of
10 parental satisfaction; performance appraisal data of teachers,
11 managers, and administrative personnel; and other performance
12 indicators to identify school and student needs that can be
13 met by improved professional performance.
14 3. Provide inservice activities coupled with followup
15 support that are appropriate to accomplish district-level and
16 school-level improvement goals and standards. The inservice
17 activities for instructional personnel shall primarily focus
18 on subject content and teaching methods, including technology,
19 as related to the Sunshine State Standards, assessment and
20 data analysis, classroom management, and school safety.
21 4. Include a master plan for inservice activities,
22 pursuant to rules of the State Board of Education, for all
23 district employees from all fund sources. The master plan
24 shall be updated annually by September 1 using criteria for
25 continued approval as specified by rules of the State Board of
26 Education. Written verification that the inservice plan meets
27 all requirements of this section must be submitted annually to
28 the commissioner by October 1.
29 5. Require each school principal to establish and
30 maintain an individual professional development plan for each
31 instructional employee assigned to the school. The individual

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1 professional development plan must:

2 a. Be related to specific performance data for the
3 students to whom the teacher is assigned.

4 b. Define the inservice objectives and specific
5 measurable improvements expected in student performance as a
6 result of the inservice activity.

7 c. Include an evaluation component that determines the
8 effectiveness of the professional development plan.

9 6. Include inservice activities for school
10 administrative personnel that address updated skills necessary
11 for effective school management and instructional leadership.

12 7. Provide for systematic consultation with regional
13 and state personnel designated to provide technical assistance
14 and evaluation of local professional development programs.

15 8. Provide for delivery of professional development by
16 distance learning and other technology-based delivery systems
17 to reach more educators at lower costs.

18 9. Provide for the continuous evaluation of the
19 quality and effectiveness of professional development programs
20 in order to eliminate ineffective programs and strategies and
21 to expand effective ones. Evaluations must consider the impact
22 of such activities on the performance of participating
23 educators and their students' achievement and behavior.

24 (c) Each community college and state university shall
25 assist the department, school districts, and schools in the
26 design, delivery, and evaluation of professional development
27 activities. This assistance must include active participation
28 in state and local activities required by the professional
29 development system.

30 (5)(a) The Department of Education shall provide a
31 system for the recruitment, preparation, and professional

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1 development of school administrative personnel. This system
2 shall:
3 1. Identify the knowledge, competencies, and skills
4 necessary for effective school management and instructional
5 leadership that align with student performance standards and
6 accountability measures.
7 2. Include performance evaluation methods.
8 3. Provide for alternate means for preparation of
9 school administrative personnel which may include programs
10 designed by school districts and postsecondary educational
11 institutions pursuant to guidelines developed by the
12 commissioner. Such preparation programs shall be approved by
13 the Department of Education.
14 4. Provide for the hiring of qualified out-of-state
15 school administrative personnel.
16 5. Provide advanced educational opportunities for
17 school-based instructional leaders.
18 (b) The Commissioner of Education shall appoint a task
19 force that includes a district school superintendent, a
20 district school board member, a principal, an assistant
21 principal, a teacher, a dean of a college of education, and
22 parents. The task force shall convene periodically to provide
23 recommendations to the department in the areas of recruitment,
24 certification, preparation, professional development, and
25 evaluation of school administrators.
26 (6) Each district school board shall provide funding
27 for the professional development system as required by s.
28 1011.62 and the General Appropriations Act, and shall direct
29 expenditures from other funding sources to strengthen the
30 system and make it uniform and coherent. A school district
31 may coordinate its professional development program with that

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1 of another district, with an educational consortium, or with a
2 community college or university, especially in preparing and
3 educating personnel. Each district school board shall make
4 available inservice activities to instructional personnel of
5 nonpublic schools in the district and the state certified
6 teachers who are not employed by the district school board on
7 a fee basis not to exceed the cost of the activity per all
8 participants.

9 (7) An organization of private schools which has no
10 fewer than 10 member schools in this state, which publishes
11 and files with the Department of Education copies of its
12 standards, and the member schools of which comply with the
13 provisions of part II of chapter 1003, relating to compulsory
14 school attendance, may also develop a professional development
15 system that includes a master plan for inservice activities.
16 The system and inservice plan must be submitted to the
17 commissioner for approval pursuant to rules of the State Board
18 of Education.

19 (8) The Department of Education shall design methods
20 by which the state and district school boards may evaluate and
21 improve the professional development system. The evaluation
22 must include an annual assessment of data that indicate
23 progress or lack of progress of all students. If the review of
24 the data indicates progress, the department shall identify the
25 best practices that contributed to the progress. If the review
26 of the data indicates a lack of progress, the department shall
27 investigate the causes of the lack of progress, provide
28 technical assistance, and require the school district to
29 employ a different approach to professional development. The
30 department shall report annually to the State Board of
31 Education and the Legislature any school district that, in the

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1 determination of the department, has failed to provide an
2 adequate professional development system. This report must
3 include the results of the department's investigation and of
4 any intervention provided.

5 (9) The State Board of Education may adopt rules
6 pursuant to ss. 120.536(1) and 120.54 to administer this
7 section.

8 (10) This section does not limit or discourage a
9 district school board from contracting with independent
10 entities for professional development services and inservice
11 education if the district school board believes that, through
12 such a contract, a better product can be acquired or its goals
13 for education improvement can be better met.

14 (11) For teachers, managers, and administrative
15 personnel who have been evaluated as less than satisfactory, a
16 district school board shall require participation in specific
17 professional development programs as part of the improvement
18 prescription.

19 Section 790. Section 1012.985, Florida Statutes, is
20 created to read:

21 1012.985 Statewide system for inservice professional
22 development.--The intent of this section is to establish a
23 statewide system of professional development that provides a
24 wide range of targeted inservice training to teachers,
25 managers, and administrative personnel designed to upgrade
26 skills and knowledge needed to reach world class standards in
27 education. The system shall consist of a network of
28 professional development academies in each region of the state
29 that are operated in partnership with area business partners
30 to develop and deliver high-quality training programs
31 purchased by school districts. The academies shall be

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1 established to meet the human resource development needs of
2 professional educators, schools, and school districts. Funds
3 appropriated for the initiation of professional development
4 academies shall be allocated by the Commissioner of Education,
5 unless otherwise provided in an appropriations act. To be
6 eligible for startup funds, the academy must:

7 (1) Be established by the collaborative efforts of one
8 or more district school boards, members of the business
9 community, and the postsecondary educational institutions
10 which may award college credits for courses taught at the
11 academy.

12 (2) Demonstrate the capacity to provide effective
13 training to improve teaching skills in the areas of elementary
14 reading and mathematics, the use of instructional technology,
15 high school algebra, and classroom management, and to deliver
16 such training using face-to-face, distance learning, and
17 individualized computer-based delivery systems.

18 (3) Propose a plan for responding in an effective and
19 timely manner to the professional development needs of
20 teachers, managers, administrative personnel, schools, and
21 school districts relating to improving student achievement and
22 meeting state and local education goals.

23 (4) Demonstrate the ability to provide high-quality
24 trainers and training, appropriate followup and coaching for
25 all participants, and support school personnel in positively
26 impacting student performance.

27 (5) Be operated under contract with its public
28 partners and governed by an independent board of directors,
29 which should include at least one district school
30 superintendent and one district school board chair from the
31 participating school districts, the president of the

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1 collective bargaining unit that represents the majority of the
2 region's teachers, and at least three individuals who are not
3 employees or elected or appointed officials of the
4 participating school districts. Regional educational consortia
5 as defined in s. 1001.451 satisfy the requirements of this
6 subsection.

7 (6) Be financed during the first year of operation by
8 an equal or greater match from private funding sources and
9 demonstrate the ability to be self-supporting within 1 year
10 after opening through fees for services, grants, or private
11 contributions. Regional educational consortia as defined in s.
12 1001.451 which serve rural areas of critical economic concern
13 are exempt from the funding match required by this subsection.

14 (7) Own or lease a facility that can be used to
15 deliver training onsite and through distance learning and
16 other technology-based delivery systems. The participating
17 district school boards may lease a site or facility to the
18 academy for a nominal fee and may pay all or part of the costs
19 of renovating a facility to accommodate the academy. The
20 academy is responsible for all operational, maintenance, and
21 repair costs.

22 (8) Provide professional development services for the
23 participating school districts as specified in the contract
24 and may provide professional development services to other
25 school districts, private schools, and individuals on a
26 fee-for-services basis.

27 Section 791. Part VI of chapter 1012, Florida
28 Statutes, shall be entitled "Interstate Compact on
29 Qualifications of Educational Personnel" and shall consist of
30 ss. 1012.99-1012.992.

31 Section 792. Section 1012.99, Florida Statutes, is

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1 created to read:

2 1012.99 Interstate agreement on qualifications of
3 educational personnel.--The interstate agreement on
4 qualifications of educational personnel is hereby enacted into
5 law and entered into with all jurisdictions legally joining
6 therein, in form substantially as follows:

7

8 ARTICLE I

9

10 PURPOSE, FINDINGS, AND POLICY

11 1. The states party to this agreement, desiring by
12 common action to improve their respective school systems by
13 utilizing the teacher or other professional educational person
14 wherever educated, declare that it is the policy of each of
15 them, on the basis of cooperation with one another, to take
16 advantage of the preparation and experience of such persons
17 wherever gained, thereby serving the best interests of
18 society, of education, and of the teaching profession. It is
19 the purpose of this agreement to provide for the development
20 and execution of such programs of cooperation as will
21 facilitate the movement of teachers and other professional
22 educational personnel among the states party to it, and to
23 authorize specific interstate educational personnel contracts
24 to achieve that end.

25 2. The party states find that included in the large
26 movement of population among all sections of the nation are
27 many qualified educational personnel who move for family and
28 other personal reasons but who are hindered in using their
29 professional skill and experience in their new locations.
30 Variations from state to state in requirements for qualifying
31 educational personnel discourage such personnel from taking

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1 the steps necessary to qualify in other states. As a
2 consequence, a significant number of professionally prepared
3 and experienced educators is lost to our school systems.
4 Facilitating the employment of qualified educational
5 personnel, without reference to their states of origin, can
6 increase the available educational resources. Participation in
7 this compact can increase the availability of educational
8 personnel.

9
10 ARTICLE II

11
12 DEFINITIONS

13 As used in this agreement and contracts made pursuant
14 to it, unless the context clearly requires otherwise:

15 1. "Educational personnel" means persons who must meet
16 requirements pursuant to state law as a condition of
17 employment in educational programs.

18 2. "Designated state official" means the education
19 official of a state selected by that state to negotiate and
20 enter into, on behalf of this state, contracts pursuant to
21 this agreement.

22 3. "Accept," or any variant thereof, means to
23 recognize and give effect to one or more determinations of
24 another state relating to the qualifications of educational
25 personnel in lieu of making or requiring a like determination
26 that would otherwise be required by or pursuant to the laws of
27 a receiving state.

28 4. "State" means a state, territory, or possession of
29 the United States; the district of Columbia; or the
30 Commonwealth of Puerto Rico.

31 5. "Originating state" means a state and the

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1 subdivision thereof, if any, whose determination that certain
2 educational personnel are qualified to be employed for
3 specific duties in schools is acceptable in accordance with
4 the terms of a contract made pursuant to Article III.

5 6. "Receiving state" means a state and the
6 subdivisions thereof which accept educational personnel in
7 accordance with the terms of a contract made pursuant to
8 Article III.

9
10 ARTICLE III

11
12 INTERSTATE EDUCATIONAL

13 PERSONNEL CONTRACTS

14 1. The designated state official of a party state may
15 make one or more contracts on behalf of his or her state with
16 one or more other party states providing for the acceptance of
17 educational personnel. Any such contract for the period of
18 its duration shall be applicable to and binding on the states
19 whose designated state officials enter into it, and the
20 subdivisions of those states, with the same force and effect
21 as if incorporated in this agreement. A designated state
22 official may enter into a contract pursuant to this article
23 only with states in which he or she finds that there are
24 programs of education, certification standards or other
25 acceptable qualifications that assure preparation or
26 qualification of educational personnel on a basis sufficiently
27 comparable, even though not identical to that prevailing in
28 his or her own state.

29 2. Any such contract shall provide for:

30 (a) Its duration.

31 (b) The criteria to be applied by an originating state

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1 in qualifying educational personnel for acceptance by a
2 receiving state.

3 (c) Such waivers, substitutions, and conditional
4 acceptances as shall aid the practical effectuation of the
5 contract without sacrifice of basic educational standards.

6 (d) Any other necessary matters.

7 3. No contract made pursuant to this agreement shall
8 be for a term longer than five years but any such contract may
9 be renewed for like or lesser periods.

10 4. Any contract dealing with acceptance of educational
11 personnel on the basis of their having completed an
12 educational program shall specify the earliest date or dates
13 on which originating state approval of the program or programs
14 involved can have occurred. No contract made pursuant to this
15 agreement shall require acceptance by a receiving state or any
16 persons qualified because of successful completion of a
17 program prior to January 1, 1954.

18 5. The certification or other acceptance of a person
19 who has been accepted pursuant to the terms of a contract
20 shall not be revoked or otherwise impaired because the
21 contract has expired or been terminated. However, any
22 certificate or other qualifying document may be revoked or
23 suspended on any ground which would be sufficient for
24 revocation or suspension of a certificate or other qualifying
25 document initially granted or approved in the receiving state.

26 6. A contract committee composed of the designated
27 state officials of the contracting states or their
28 representatives shall keep the contract under continuous
29 review, study means of improving its administration, and
30 report no less frequently than once a year to the heads of the
31 appropriate education agencies of the contracting states.

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ARTICLE IV

APPROVED AND ACCEPTED PROGRAMS

1. Nothing in this agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

ARTICLE V

INTERSTATE COOPERATION

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

ARTICLE VI

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AGREEMENT EVALUATION

The designated state officials of any party states may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes.

ARTICLE VII

OTHER ARRANGEMENTS

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

ARTICLE VIII

EFFECT AND WITHDRAWAL

1. This agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

2. Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

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ARTICLE IX

CONSTRUCTION AND SEVERABILITY

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

Section 793. Section 1012.991, Florida Statutes, is created to read:

1012.991 Commissioner designated official.--For the purposes of the agreement set forth in Article IX, the "designated state official" for this state shall be the Commissioner of Education. The Commissioner of Education shall enter into contracts pursuant to Article III of the agreement only with the approval of the specific texts thereof by the State Board of Education.

Section 794. Section 1012.992, Florida Statutes, is created to read:

1012.992 Copies of contracts with other states; depository.--Two copies of all contracts made on behalf of this state pursuant to the agreement set forth in Article IX shall be kept on file in the office of the Commissioner of

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1 Education and in the office of the Department of State. The
2 Department of Education shall publish all such contracts in
3 convenient form.

4 Section 795. Chapter 1013, Florida Statutes, shall be
5 entitled "Educational Facilities" and shall consist of ss.
6 1013.01-1013.82.

7 Section 796. Part I of chapter 1013, Florida Statutes,
8 shall be entitled "Functions; Department of Education" and
9 shall consist of ss. 1013.01-1013.05.

10 Section 797. Section 1013.01, Florida Statutes, is
11 created to read:

12 1013.01 Definitions.--The following terms shall be
13 defined as follows for the purpose of this chapter:

14 (1) "Ancillary plant" is comprised of the building,
15 site, and site improvements necessary to provide such
16 facilities as vehicle maintenance, warehouses, maintenance, or
17 administrative buildings necessary to provide support services
18 to an educational program.

19 (2) "Auxiliary facility" means the spaces located at
20 educational plants which are not designed for student occupant
21 stations.

22 (3) "Board," unless otherwise specified, means a
23 district school board, a community college board of trustees,
24 a university board of trustees, and the Board of Trustees for
25 the Florida School for the Deaf and the Blind. The term
26 "board" does not include the State Board of Education.

27 (4) "Capital project," for the purpose of s. 9(a)(2),
28 Art. XII of the State Constitution, as amended, means sums of
29 money appropriated from the Public Education Capital Outlay
30 and Debt Service Trust Fund to the state system of public
31 education and other educational agencies as authorized by the

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1 Legislature.

2 (5) "Core facilities" means the media center,
3 cafeteria, toilet facilities, and circulation space of an
4 educational plant.

5 (6) "Educational facilities" means the buildings and
6 equipment, structures, and special educational use areas that
7 are built, installed, or established to serve primarily the
8 educational purposes and secondarily the social and
9 recreational purposes of the community and which may lawfully
10 be used as authorized by the Florida Statutes and approved by
11 boards.

12 (7) "Educational plant" comprises the educational
13 facilities, site, and site improvements necessary to
14 accommodate students, faculty, administrators, staff, and the
15 activities of the educational program of each plant.

16 (8) "Educational plant survey" means a systematic
17 study of present educational and ancillary plants and the
18 determination of future needs to provide an appropriate
19 educational program and services for each student based on
20 projected capital outlay FTE's approved by the Department of
21 Education.

22 (9) "Feasibility study" means the examination and
23 analysis of information related to projected educational
24 facilities to determine whether they are reasonable and
25 possible.

26 (10) "Long-range planning" means devising a systematic
27 method based on educational information and needs, carefully
28 analyzed, to provide the facilities to meet the goals and
29 objectives of the educational agency for a period of 5 years.

30 (11) "Low-energy usage features" means engineering
31 features or devices that supplant or minimize the consumption

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1 of fossil fuels by heating equipment and cooling equipment.
2 Such features may include, but are not limited to, high
3 efficiency chillers and boilers, thermal storage tanks, solar
4 energy systems, waste heat recovery systems, and facility load
5 management systems.

6 (12) "Maintenance and repair" means the upkeep of
7 educational and ancillary plants, including, but not limited
8 to, roof or roofing replacement short of complete replacement
9 of membrane or structure; repainting of interior or exterior
10 surfaces; resurfacing of floors; repair or replacement of
11 glass; repair of hardware, furniture, equipment, electrical
12 fixtures, and plumbing fixtures; and repair or resurfacing of
13 parking lots, roads, and walkways. The term "maintenance and
14 repair" does not include custodial or groundskeeping
15 functions, or renovation except for the replacement of
16 equipment with new equipment of equal systems meeting current
17 code requirements, provided that the replacement item neither
18 places increased demand upon utilities services or structural
19 supports nor adversely affects the function of safety to life
20 systems.

21 (13) "Need determination" means the identification of
22 types and amounts of educational facilities necessary to
23 accommodate the educational programs, student population,
24 faculty, administrators, staff, and auxiliary and ancillary
25 services of an educational agency.

26 (14) "New construction" means any construction of a
27 building or unit of a building in which the entire work is new
28 or an entirely new addition connected to an existing building
29 or which adds additional square footage to the space
30 inventory.

31 (15) "Passive design elements" means architectural

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1 features that minimize heat gain, heat loss, and the use of
2 heating and cooling equipment when ambient conditions are
3 extreme and that permit use of the facility without heating or
4 air-conditioning when ambient conditions are moderate. Such
5 features may include, but are not limited to, building
6 orientation, landscaping, earth bermings, insulation, thermal
7 windows and doors, overhangs, skylights, thermal chimneys, and
8 other design arrangements.

9 (16) "Public education capital outlay (PECO) funded
10 projects" means site acquisition, renovation, remodeling,
11 construction projects, and site improvements necessary to
12 accommodate buildings, equipment, other structures, and
13 special educational use areas that are built, installed, or
14 established to serve primarily the educational instructional
15 program of the district school board, community college board
16 of trustees, or university board of trustees.

17 (17) "Remodeling" means the changing of existing
18 facilities by rearrangement of spaces and their use and
19 includes, but is not limited to, the conversion of two
20 classrooms to a science laboratory or the conversion of a
21 closed plan arrangement to an open plan configuration.

22 (18) "Renovation" means the rejuvenating or upgrading
23 of existing facilities by installation or replacement of
24 materials and equipment and includes, but is not limited to,
25 interior or exterior reconditioning of facilities and spaces;
26 air-conditioning, heating, or ventilating equipment; fire
27 alarm systems; emergency lighting; electrical systems; and
28 complete roofing or roof replacement, including replacement of
29 membrane or structure. As used in this subsection, the term
30 "materials" does not include instructional materials.

31 (19) "Satisfactory educational facility" means a

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1 facility that has been recommended for continued use by an
2 educational plant survey or that has been classified as
3 satisfactory in the state inventory of educational facilities.

4 (20) "Site" means a space of ground occupied or to be
5 occupied by an educational facility or program.

6 (21) "Site development" means work that must be
7 performed on an unimproved site in order to make it usable for
8 the desired purpose or work incidental to new construction or
9 to make an addition usable.

10 (22) "Site improvement" means work that must be
11 performed on an existing site to improve its utilization,
12 correct health and safety deficiencies, meet special program
13 needs, or provide additional service areas.

14 (23) "Site improvement incident to construction" means
15 the work that must be performed on a site as an accompaniment
16 to the construction of an educational facility.

17 (24) "Satellite facility" means the buildings and
18 equipment, structures, and special educational use areas that
19 are built, installed, or established by private business or
20 industry in accordance with chapter 6A-2, Florida
21 Administrative Code, to be used exclusively for educational
22 purposes to serve primarily the students of its employees and
23 that are staffed professionally by the district school board.

24 Section 798. Section 1013.02, Florida Statutes, is
25 created to read:

26 1013.02 Purpose; rules.--

27 (1) The purpose of this chapter is to authorize state
28 and local officials to cooperate in establishing and
29 maintaining educational plants that will provide for public
30 educational needs throughout the state.

31 (2) The State Board of Education shall adopt rules

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1 pursuant to ss. 120.536(1) and 120.54 to implement the
2 provisions of this chapter.

3 Section 799. Section 1013.03, Florida Statutes, is
4 created to read:

5 1013.03 Functions of the department.--The functions of
6 the Department of Education as it pertains to educational
7 facilities shall include, but not be limited to, the
8 following:

9 (1) Establish recommended minimum and maximum square
10 footage standards for different functions and areas and
11 procedures for determining the gross square footage for each
12 educational facility to be funded in whole or in part by the
13 state, including public broadcasting stations but excluding
14 postsecondary special purpose laboratory space. The gross
15 square footage determination standards may be exceeded when
16 the core facility space of an educational facility is
17 constructed or renovated to accommodate the future addition of
18 classrooms to meet projected increases in student enrollment.
19 The department shall encourage multiple use of facilities and
20 spaces in educational plants.

21 (2) Establish, for the purpose of determining need,
22 equitably uniform utilization standards for all types of like
23 space, regardless of the level of education. These standards
24 shall also establish, for postsecondary education classrooms,
25 a minimum room utilization rate of 40 hours per week and a
26 minimum station utilization rate of 60 percent. These rates
27 shall be subject to increase based on national norms for
28 utilization of postsecondary education classrooms.

29 (3) Require boards to submit other educational plant
30 inventories data and statistical data or information relevant
31 to construction, capital improvements, and related costs.

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1 (4) Require each board and other appropriate agencies
2 to submit complete and accurate financial data as to the
3 amounts of funds from all sources that are available and spent
4 for construction and capital improvements. The commissioner
5 shall prescribe the format and the date for the submission of
6 this data and any other educational facilities data. If any
7 district does not submit the required educational facilities
8 fiscal data by the prescribed date, the Commissioner of
9 Education shall notify the district school board of this fact
10 and, if appropriate action is not taken to immediately submit
11 the required report, the district school board shall be
12 directed to proceed pursuant to the provisions of s.
13 1001.42(11)(b). If any community college or university does
14 not submit the required educational facilities fiscal data by
15 the prescribed date, the same policy prescribed in this
16 subsection for school districts shall be implemented.

17 (5) Administer, under the supervision of the
18 Commissioner of Education, the Public Education Capital Outlay
19 and Debt Service Trust Fund and the School District and
20 Community College District Capital Outlay and Debt Service
21 Trust Fund.

22 (6) Develop, review, update, revise, and recommend a
23 mandatory portion of the Florida Building Code for educational
24 facilities construction and capital improvement by community
25 college boards and district school boards.

26 (7) Provide training, technical assistance, and
27 building code interpretation for requirements of the mandatory
28 Florida Building Code for the educational facilities
29 construction and capital improvement programs of the community
30 college boards and district school boards and, upon request,
31 approve phase III construction documents for remodeling,

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1 renovation, or new construction of educational plants or
2 ancillary facilities, except that university boards of
3 trustees shall approve specifications and construction
4 documents for their respective institutions. The Department of
5 Management Services may, upon request, provide similar
6 services for the Florida School for the Deaf and the Blind and
7 shall use the Florida Building Code and the Florida Fire
8 Prevention Code.

9 (8) Provide minimum criteria, procedures, and training
10 to boards to conduct educational plant surveys and document
11 the determination of future needs.

12 (9) Make available to boards technical assistance,
13 awareness training, and research and technical publications
14 relating to lifesafety, casualty, sanitation, environmental,
15 maintenance, and custodial issues; and, as needed, technical
16 assistance for survey, planning, design, construction,
17 operation, and evaluation of educational and ancillary
18 facilities and plants, facilities administrative procedures
19 review, and training for new administrators.

20 (10)(a) Review and validate surveys proposed or
21 amended by the boards and recommend to the Commissioner of
22 Education, for approval, surveys that meet the requirements of
23 this chapter.

24 1. The term "validate" as applied to surveys by school
25 districts means to review inventory data as submitted to the
26 department by district school boards; provide for review and
27 inspection, where required, of student stations and aggregate
28 square feet of inventory changed from satisfactory to
29 unsatisfactory or changed from unsatisfactory to satisfactory;
30 compare new school inventory to allocation limits provided by
31 this chapter; review cost projections for conformity with cost

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1 limits set by s. 1013.64(6); compare total capital outlay
2 full-time equivalent enrollment projections in the survey with
3 the department's projections; review facilities lists to
4 verify that student station and auxiliary facility space
5 allocations do not exceed the limits provided by this chapter
6 and related rules; review and confirm the application of
7 uniform facility utilization factors, where provided by this
8 chapter or related rules; utilize the documentation of
9 programs offered per site, as submitted by the board, to
10 analyze facility needs; confirm that need projections for
11 career and technical and adult educational programs comply
12 with needs documented by the Office of Workforce and Economic
13 Development; and confirm the assignment of full-time student
14 stations to all space except auxiliary facilities, which, for
15 purposes of exemption from student station assignment, include
16 the following:

- 17 a. Cafeterias.
18 b. Multipurpose dining areas.
19 c. Media centers.
20 d. Auditoriums.
21 e. Administration.
22 f. Elementary, middle, and high school resource rooms,
23 up to the number of such rooms recommended for the applicable
24 occupant and space design capacity of the educational plant in
25 the State Requirements for Educational Facilities, beyond
26 which student stations must be assigned.
27 g. Elementary school skills labs, up to the number of
28 such rooms recommended for the applicable occupant and space
29 design capacity of the educational plant in the State
30 Requirements for Educational Facilities, beyond which student
31 stations must be assigned.

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1 h. Elementary school art and music rooms.
2 2. The term "validate" as applied to surveys by
3 community colleges and universities means to review and
4 document the approval of each new site and official
5 designation, where applicable; review the inventory database
6 as submitted by each board to the department, including
7 noncareer and technical, and total capital outlay full-time
8 equivalent enrollment projections per site and per college;
9 provide for the review and inspection, where required, of
10 student stations and aggregate square feet of space changed
11 from satisfactory to unsatisfactory; utilize and review the
12 documentation of programs offered per site submitted by the
13 boards as accurate for analysis of space requirements and
14 needs; confirm that needs projected for career and technical
15 and adult educational programs comply with needs documented by
16 the Office of Workforce and Economic Development; compare new
17 facility inventory to allocations limits as provided in this
18 chapter; review cost projections for conformity with state
19 averages or limits designated by this chapter; compare student
20 enrollment projections in the survey to the department's
21 projections; review facilities lists to verify that area
22 allocations and space factors for generating space needs do
23 not exceed the limits as provided by this chapter and related
24 rules; confirm the application of facility utilization factors
25 as provided by this chapter and related rules; and review, as
26 submitted, documentation of how survey recommendations will
27 implement the detail of current campus master plans and
28 integrate with local comprehensive plans and development
29 regulations.

30 (b) Recommend priority of projects to be funded for
31 approval by the state board, when required by law.

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1 (11) Prepare the commissioner's comprehensive fixed
2 capital outlay legislative budget request and provide annually
3 an estimate of the funds available for developing required
4 3-year priority lists. This amount shall be based upon the
5 average percentage for the 5 prior years of funds appropriated
6 by the Legislature for fixed capital outlay to each level of
7 public education: public schools, community colleges, and
8 universities.

9 (12) Perform any other functions that may be involved
10 in educational facilities construction and capital improvement
11 which shall ensure that the intent of the Legislature is
12 implemented.

13 Section 800. Section 1013.04, Florida Statutes, is
14 created to read:

15 1013.04 School district facilities work program
16 performance and productivity standards; development;
17 measurement; application.--

18 (1) The Office of Educational Facilities and SMART
19 Schools Clearinghouse shall develop and adopt measures for
20 evaluating the performance and productivity of school district
21 facilities work programs. The measures may be both
22 quantitative and qualitative and must, to the maximum extent
23 practical, assess those factors that are within the districts'
24 control. The measures must, at a minimum, assess performance
25 in the following areas:

26 (a) Frugal production of high-quality projects.

27 (b) Efficient finance and administration.

28 (c) Optimal school and classroom size and utilization
29 rate.

30 (d) Safety.

31 (e) Core facility space needs and cost-effective

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1 capacity improvements that consider demographic projections.

2 (f) Level of district local effort.

3 (2) The office shall establish annual performance
4 objectives and standards that can be used to evaluate district
5 performance and productivity.

6 (3) The office shall conduct ongoing evaluations of
7 district educational facilities program performance and
8 productivity, using the measures adopted under this section.

9 If, using these measures, the office finds that a district
10 failed to perform satisfactorily, the office must recommend to
11 the district school board actions to be taken to improve the
12 district's performance.

13 Section 801. Section 1013.05, Florida Statutes, is
14 created to read:

15 1013.05 Office of Educational Facilities and SMART
16 (Soundly Made, Accountable, Reasonable, and Thrifty) Schools
17 Clearinghouse.--

18 (1) The SMART Schools Clearinghouse is established to
19 assist school districts that seek to access School
20 Infrastructure Thrift (SIT) Program awards pursuant to ss.
21 1013.42 and 1013.72 or effort index grants pursuant to s.
22 1013.73. The office must use expedited procedures in providing
23 such assistance.

24 (2) The office shall prioritize school district SIT
25 Program awards based on a review of the district facilities
26 work programs and proposed construction projects.

27 Section 802. Part II of chapter 1013, Florida
28 Statutes, shall be entitled "Use and Management of Educational
29 Facilities" and shall consist of ss. 1013.10-1013.28.

30 Section 803. Section 1013.10, Florida Statutes, is
31 created to read:

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1 1013.10 Use of buildings and grounds.--The board may
2 permit the use of educational facilities and grounds for any
3 legal assembly or for community use centers or may permit the
4 same to be used as voting places in any primary, regular, or
5 special election. The board shall adopt rules or policies and
6 procedures necessary to protect educational facilities and
7 grounds when used for such purposes.

8 Section 804. Section 1013.11, Florida Statutes, is
9 created to read:

10 1013.11 Postsecondary institutions assessment of
11 physical plant safety.--The president of each postsecondary
12 institution shall conduct or cause to be conducted an annual
13 assessment of physical plant safety. An annual report shall
14 incorporate the findings obtained through such assessment and
15 recommendations for the improvement of safety on each campus.
16 The annual report shall be submitted to the respective
17 governing or licensing board of jurisdiction no later than
18 January 1 of each year. Each board shall compile the
19 individual institutional reports and convey the aggregate
20 institutional reports to the Commissioner of Education. The
21 Commissioner of Education shall convey these reports and the
22 reports required in s. 1008.48 to the President of the Senate
23 and the Speaker of the House of Representatives no later than
24 March 1 of each year.

25 Section 805. Section 1013.12, Florida Statutes, is
26 created to read:

27 1013.12 Safety and sanitation standards and inspection
28 of property.--The State Board of Education shall adopt and
29 administer rules prescribing standards for the safety and
30 health of occupants of educational and ancillary plants as a
31 part of State Requirements for Educational Facilities or the

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1 Florida Building Code for educational facilities construction
2 as provided in s. 1013.37, the provisions of chapter 633 to
3 the contrary notwithstanding. These standards must be used by
4 all public agencies when inspecting public educational and
5 ancillary plants. In accordance with such standards, each
6 board shall prescribe policies and procedures establishing a
7 comprehensive program of safety and sanitation for the
8 protection of occupants of public educational and ancillary
9 plants. Such policies must contain procedures for periodic
10 inspections as prescribed herein and for withdrawal of any
11 educational and ancillary plant, or portion thereof, from use
12 until unsafe or unsanitary conditions are corrected or
13 removed.

14 (1) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
15 BOARDS.--

16 (a) Each board shall provide for periodic inspection
17 of each educational and ancillary plant at least once during
18 each fiscal year to determine compliance with standards of
19 sanitation and casualty safety prescribed in the rules of the
20 State Board of Education.

21 (b) Firesafety inspections of each educational and
22 ancillary plant must be made annually by persons certified by
23 the Division of State Fire Marshal to be eligible to conduct
24 firesafety inspections in public educational and ancillary
25 plants.

26 (c) In each firesafety inspection report, the board
27 shall include a plan of action and a schedule for the
28 correction of each deficiency. If immediate life-threatening
29 deficiencies are noted in any inspection, the board shall
30 either take action to promptly correct the deficiencies or
31 withdraw the educational or ancillary plant from use until

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1 such time as the deficiencies are corrected.

2 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
3 AGENCIES.--

4 (a) A safety or sanitation inspection of any
5 educational or ancillary plant may be made at any time by the
6 Department of Education or any other state or local agency
7 authorized or required to conduct such inspections by either
8 general or special law. Each agency conducting inspections
9 shall use the standards adopted by the Commissioner of
10 Education in lieu of, and to the exclusion of, any other
11 inspection standards prescribed either by statute or
12 administrative rule, the provisions of chapter 633 to the
13 contrary notwithstanding. The agency shall submit a copy of
14 the inspection report to the board.

15 (b) In addition to district school board inspections,
16 the applicable local fire control authority shall also
17 annually inspect district school board educational facilities
18 within its fire control district, using the standards adopted
19 by the Commissioner of Education. Reports shall be filed with
20 the district school board, and a copy shall be on file with
21 the local site administrator.

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

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

31 (b) After 30 calendar days' notice to the board, order

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1 all or a portion of the educational or ancillary plant
2 withdrawn from use until the deficiencies are corrected.

3 (4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
4 FACILITIES.--Firesafety inspections of community college and
5 university facilities shall comply with State Board of
6 Education rules.

7 Section 806. Section 1013.13, Florida Statutes, is
8 created to read:

9 1013.13 Coordination of school safety information;
10 construction design documents.--

11 (1) Each district school superintendent must provide
12 to the law enforcement agency and fire department that has
13 jurisdiction over each educational facility a copy of the
14 floor plans and other relevant documents for each educational
15 facility in the district, as defined in s. 1013.01. After the
16 initial submission of the floor plans and other relevant
17 documents, the district superintendent of schools shall
18 submit, by October 1 of each year, revised floor plans and
19 other relevant documents for each educational facility in the
20 district that was modified during the preceding year.

21 (2) Each community college president must provide to
22 the law enforcement agency and fire department that has
23 jurisdiction over the community college a copy of the floor
24 plans and other relevant documents for each educational
25 facility as defined in s. 1013.01. After the initial
26 submission of the floor plans and other relevant documents,
27 the community college president shall submit, by October 1 of
28 each year, revised floor plans and other relevant documents
29 for each educational facility that was modified during the
30 preceding year.

31 Section 807. Section 1013.14, Florida Statutes, is

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Amendment No. ____ (for drafter's use only)

1 created to read:

2 1013.14 Proposed purchase of real property by a board;
3 confidentiality of records; procedure.--

4 (1)(a) In any case in which a board, pursuant to the
5 provisions of this chapter, seeks to acquire by purchase any
6 real property for educational purposes, every appraisal,
7 offer, or counteroffer must be in writing and is exempt from
8 the provisions of s. 119.07(1) until an option contract is
9 executed or, if no option contract is executed, until 30 days
10 before a contract or agreement for purchase is considered for
11 approval by the board. If a contract or agreement for purchase
12 is not submitted to the board for approval, the exemption from
13 s. 119.07(1) shall expire 30 days after the termination of
14 negotiations. The board shall maintain complete and accurate
15 records of every such appraisal, offer, and counteroffer. For
16 the purposes of this section, the term "option contract" means
17 an agreement by the board to purchase a piece of property,
18 subject to the approval of the board at a public meeting after
19 30 days' public notice.

20 (b) Prior to acquisition of the property, the board
21 shall obtain at least one appraisal by an appraiser approved
22 pursuant to s. 253.025(6)(b) for each purchase in an amount
23 greater than \$100,000 and not more than \$500,000. For each
24 purchase in an amount in excess of \$500,000, the board shall
25 obtain at least two appraisals by appraisers approved pursuant
26 to s. 253.025(6)(b). If the agreed to purchase price exceeds
27 the average appraised value, the board is required to approve
28 the purchase by an extraordinary vote.

29 (2) Nothing in this section shall be interpreted as
30 providing an exemption from, or an exception to, s. 286.011.

31 Section 808. Section 1013.15, Florida Statutes, is

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1 created to read:

2 1013.15 Lease, rental, and lease-purchase of
3 educational facilities and sites.--

4 (1) A board may lease any land, facilities, or
5 educational plants owned by it to any person or entity for
6 such term, for such rent, and upon such terms and conditions
7 as the board determines to be in its best interests; any such
8 lease may provide for the optional or binding purchase of the
9 land, facilities, or educational plants by the lessee upon
10 such terms and conditions as the board determines are in its
11 best interests. A determination that any such land, facility,
12 or educational plant so leased is unnecessary for educational
13 purposes is not a prerequisite to the leasing or
14 lease-purchase of such land, facility, or educational plant.
15 Prior to entering into or executing any such lease, a board
16 shall consider approval of the lease or lease-purchase
17 agreement at a public meeting, at which a copy of the proposed
18 agreement in its final form shall be available for inspection
19 and review by the public, after due notice as required by law.

20 (2)(a) A district school board may rent or lease
21 educational facilities and sites as defined in s. 1013.01.
22 Educational facilities and sites rented or leased for 1 year
23 or less shall be funded through the operations budget or funds
24 derived from millage proceeds pursuant to s. 1011.71(2). A
25 lease contract for 1 year or less, when extended or renewed
26 beyond a year, becomes a multiple-year lease. Operational
27 funds or funds derived from millage proceeds pursuant to s.
28 1011.71(2) may be authorized to be expended for multiple-year
29 leases. All leased facilities and sites must be inspected
30 prior to occupancy by the authority having jurisdiction.

31 1. All newly leased spaces must be inspected and

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1 brought into compliance with the Florida Building Code
2 pursuant to chapter 553 and the life safety codes pursuant to
3 chapter 633, prior to occupancy, using the board's operations
4 budget or funds derived from millage proceeds pursuant to s.
5 1011.71(2).
6 2. Plans for renovation or remodeling of leased space
7 shall conform to the Florida Building Code and the Florida
8 Fire Prevention Code for educational occupancies or other
9 occupancies, as appropriate and as required in chapters 553
10 and 633, prior to occupancy.
11 3. All leased facilities must be inspected annually
12 for firesafety deficiencies in accordance with the applicable
13 code and have corrections made in accordance with s. 1013.12.
14 Operational funds or funds derived from millage proceeds
15 pursuant to s. 1011.71(2) may be used to correct deficiencies
16 in leased space.
17 4. When the board declares that a public emergency
18 exists, it may take up to 30 days to bring the leased facility
19 into compliance with the requirements of State Board of
20 Education rules.
21 (b) A board is authorized to lease-purchase
22 educational facilities and sites as defined in s. 1013.01. The
23 lease-purchase of educational facilities and sites shall be as
24 required by s. 1013.37, shall be advertised for and receive
25 competitive proposals and be awarded to the best proposer, and
26 shall be funded using current or other funds specifically
27 authorized by law to be used for such purpose.
28 1. A district school board, by itself, or through a
29 direct-support organization formed pursuant to s. 1013.77 or
30 nonprofit educational organization or a consortium of district
31 school boards, may, in developing a lease-purchase of

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1 educational facilities and sites provide for separately
2 advertising for and receiving competitive bids or proposals on
3 the construction of facilities and the selection of financing
4 to provide the lowest cost funding available, so long as the
5 board determines that such process would best serve the public
6 interest and the pledged revenues are limited to those
7 authorized in s. 1011.71(2)(e).

8 2. All activities and information, including lists of
9 individual participants, associated with agreements made
10 pursuant to this section shall be subject to the provisions of
11 chapter 119 and s. 286.011.

12 (c)1. The term of any lease-purchase agreement,
13 including the initial term and any subsequent renewals, shall
14 not exceed the useful life of the educational facilities and
15 sites for which the agreement is made, or 30 years, whichever
16 is less.

17 2. The initial term or any renewal term of any
18 lease-purchase agreement shall expire on June 30 of each
19 fiscal year, but may be automatically renewed annually,
20 subject to a board making sufficient annual appropriations
21 therefor. Under no circumstances shall the failure of a board
22 to renew a lease-purchase agreement constitute a default or
23 require payment of any penalty or in any way limit the right
24 of a board to purchase or utilize educational facilities and
25 sites similar in function to the educational facilities and
26 sites that are the subject of the said lease-purchase
27 agreement. Educational facilities and sites being acquired
28 pursuant to a lease-purchase agreement shall be exempt from ad
29 valorem taxation.

30 3. No lease-purchase agreement entered into pursuant
31 to this subsection shall constitute a debt, liability, or

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1 obligation of the state or a board or shall be a pledge of the
2 faith and credit of the state or a board.

3 4. Any lease-purchase agreement entered into pursuant
4 to this subsection shall stipulate an annual rate which may
5 consist of a principal component and an interest component,
6 provided that the maximum interest rate of any interest
7 component payable under any such lease-purchase agreement, or
8 any participation or certificated portion thereof, shall be
9 calculated in accordance with and be governed by the
10 provisions of s. 215.84.

11 (3) Lease agreements entered into by university boards
12 of trustees shall comply with the provisions of s. 1013.171.

13 (4)(a) A board may rent or lease existing buildings,
14 or space within existing buildings, originally constructed or
15 used for purposes other than education, for conversion to use
16 as educational facilities. Such buildings rented or leased for
17 1 year or less shall be funded through the operations budget
18 or funds derived from millage pursuant to s. 1011.71(2). A
19 rental agreement or lease contract for 1 year or less, when
20 extended or renewed beyond a year, becomes a multiple-year
21 rental or lease. Operational funds or funds derived from
22 millage proceeds pursuant to s. 1011.71(2) may be authorized
23 to be expended for multiple-year rentals or leases.
24 Notwithstanding any other provisions of this section, if a
25 building was constructed in conformance with all applicable
26 building and life safety codes, it shall be deemed to meet the
27 requirements for use and occupancy as an educational facility
28 subject only to the provisions of this subsection.

29 (b) Prior to occupying a rented or a leased existing
30 building, or space within an existing building, pursuant to
31 this subsection, a school board shall, in a public meeting,

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1 adopt a resolution certifying that the following circumstances
2 apply to the building proposed for occupancy:

3 1. Growth among the school-age population in the
4 school district has created a need for new educational
5 facilities in a neighborhood where there is little or no
6 vacant land.

7 2. There exists a supply of vacant space in existing
8 buildings that meet state minimum building and life safety
9 codes.

10 3. Acquisition and conversion to use as educational
11 facilities of an existing building or buildings is a
12 cost-saving means of providing the needed classroom space as
13 determined by the difference between the cost of new
14 construction, including land acquisition and preparation and,
15 if applicable, demolition of existing structures, and the cost
16 of acquisition through rental or lease and conversion of an
17 existing building or buildings.

18 4. The building has been examined for suitability,
19 safety, and conformance with state minimum building and life
20 safety codes. The building examination shall consist, at a
21 minimum, of a review of existing documents, building site
22 reconnaissance, and analysis of the building conducted by, or
23 under the responsible charge of, a licensed structural
24 engineer.

25 5. A certificate of evaluation has been issued by an
26 appropriately licensed design professional which states that,
27 based on available documents, building site reconnaissance,
28 current knowledge, and design judgment in the professional's
29 opinion, the building meets the requirements of state minimum
30 building and life safety codes, provides safe egress of
31 occupants from the building, provides adequate firesafety, and

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1 does not pose a substantial threat to life to persons who
2 would occupy the building for classroom use.

3 6. The plans for conversion of the building were
4 prepared by an appropriate design professional licensed in
5 this state and the work of conversion was performed by
6 contractors licensed in this state.

7 7. The conversion of the building was observed by an
8 appropriate design professional licensed in this state.

9 8. The building has been reviewed, inspected, and
10 granted a certificate of occupancy by the local building
11 department.

12 9. All ceilings, light fixtures, ducts, and registers
13 within the area to be occupied for classroom purposes were
14 constructed or have been reconstructed to meet state minimum
15 requirements.

16 Section 809. Section 1013.16, Florida Statutes, is
17 created to read:

18 1013.16 Construction of facilities on leased property;
19 conditions.--

20 (1) A board may construct or place educational
21 facilities and ancillary facilities on land that is owned by
22 any person after the board has acquired from the owner of the
23 land a long-term lease for the use of this land for a period
24 of not less than 40 years or the life expectancy of the
25 permanent facilities constructed thereon, whichever is longer.

26 (2) A board may enter into a short-term lease for the
27 use of land owned by any person on which temporary or
28 relocatable facilities are to be utilized.

29 Section 810. Section 1013.17, Florida Statutes, is
30 created to read:

31 1013.17 University leasing in affiliated research and

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1 development park.--A university is exempt from the
2 requirements of s. 255.25(3), (4), and (8) when leasing
3 educational facilities in a research and development park with
4 which the university is affiliated and when the State Board of
5 Education certifies in writing that the leasing of said
6 educational facilities is in the best interests of the
7 university and that the exemption from competitive bid
8 requirements would not be detrimental to the state.

9 Section 811. Section 1013.171, Florida Statutes, is
10 created to read:

11 1013.171 University lease agreements; land,
12 facilities.--

13 (1) Each university is authorized to negotiate and
14 enter into agreements to lease land under its jurisdiction to
15 for-profit and nonprofit corporations, registered by the
16 Secretary of State to do business in this state, for the
17 purpose of erecting thereon facilities and accommodations
18 necessary and desirable to serve the needs and purposes of the
19 university, as determined by the systemwide strategic plan
20 adopted by the State Board of Education. Such agreement will
21 be for a term not in excess of 99 years or the life expectancy
22 of the permanent facilities constructed thereon, whichever is
23 shorter, and shall include as a part of the consideration
24 provisions for the eventual ownership of the completed
25 facilities by the state. The Board of Trustees of the Internal
26 Improvement Trust Fund upon request of the university shall
27 lease any such property to the university for sublease as
28 heretofore provided.

29 (2) Each university board of trustees is authorized to
30 enter into agreements with for-profit and nonprofit
31 corporations, registered by the Secretary of State to do

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1 business in this state, whereby income-producing buildings,
2 improvements, and facilities necessary and desirable to serve
3 the needs and purposes of the university, as determined by the
4 systemwide strategic plan adopted by the State Board of
5 Education, are acquired by purchase or lease-purchase by the
6 university. When such agreements provide for lease-purchase of
7 facilities erected on land that is not under the jurisdiction
8 of the university, the agreement shall include as a part of
9 the consideration provisions for the eventual ownership of the
10 land and facility by the state. Agreements for lease-purchase
11 shall not exceed 30 years or the life expectancy of the
12 permanent facility constructed, whichever is shorter.
13 Notwithstanding the provisions of any other law, the
14 university board of trustees may enter into an agreement for
15 the lease-purchase of a facility under this section for a term
16 greater than 1 year. Each university board of trustees is
17 authorized to use any auxiliary trust funds, available and not
18 otherwise obligated, to pay rent to the owner should income
19 from the facilities not be sufficient in any debt payment
20 period. The trust funds used for payment of rent shall be
21 reimbursed as soon as possible to the extent that income from
22 the facilities exceeds the amount necessary for such debt
23 payment.

24 (3) Each university board of trustees may:

25 (a) Construct educational facilities on land that is
26 owned by a direct-support organization, as defined in s.
27 1004.28, or a governmental agency at the federal, state,
28 county, or municipal level, if the university has acquired a
29 long-term lease for the use of the land. The lease must be for
30 at least 40 years or the expected time the facilities to be
31 constructed on the land are expected to remain in a condition

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1 acceptable for use, whichever is longer.

2 (b) Acquire a short-term lease from one of the
3 entities listed in paragraph (a) for the use of land, if
4 adequate temporary or relocatable facilities are available on
5 the land.

6 (c) Enter into a short-term lease for the use of land
7 and buildings upon which capital improvements may be made.

8
9 If sufficient land is not available from any of the entities
10 listed in paragraph (a), a university may acquire a short-term
11 lease from a private landowner or developer.

12 (4) Agreements as provided in this section shall be
13 entered into with an offeror resulting from publicly announced
14 competitive bids or proposals, except that the university may
15 enter into an agreement with an entity enumerated in paragraph
16 (3)(a) for leasing land or with a direct-support organization
17 as provided in s. 1004.28, which shall enter into subsequent
18 agreements for financing and constructing the project after
19 receiving competitive bids or proposals. Any facility
20 constructed, lease-purchased, or purchased under such
21 agreements, whether erected on land under the jurisdiction of
22 the university or not, shall conform to the construction
23 standards and codes applicable to university facilities. Each
24 university board of trustees shall adopt such rules as are
25 necessary to carry out its duties and responsibilities imposed
26 by this section.

27 (5) Agreements executed by the State Board of
28 Education prior to January 1, 1980, for the purposes listed
29 herein shall be validated, and said board's capacity to act in
30 such cases ratified and confirmed.

31 Section 812. Section 1013.18, Florida Statutes, is

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1 created to read:

2 1013.18 Radio and television facilities.--

3 (1) A board may acquire, by purchase, license,
4 permanent easement, or gift, suitable lands and other
5 facilities, either within or without the boundaries of the
6 district, for use in providing educational radio or television
7 transmitting sites and may erect such buildings, antennas,
8 transmission equipment, towers, or other structures as are
9 necessary to accomplish the purposes of this section.

10 (2) Fixed capital outlay budget requests for public
11 broadcasting stations and instructional television and radio
12 facilities shall be submitted pursuant to s. 1013.60. The
13 commissioner may include any recommendations for these
14 purposes in the legislative budget request for fixed capital
15 outlay.

16 Section 813. Section 1013.19, Florida Statutes, is
17 created to read:

18 1013.19 Purchase, conveyance, or encumbrance of
19 property interests above surface of land; joint-occupancy
20 structures.--For the purpose of implementing jointly financed
21 construction project agreements, or for the construction of
22 combined occupancy structures, any board may purchase, own,
23 convey, sell, lease, or encumber airspace or any other
24 interests in property above the surface of the land, provided
25 the lease of airspace for nonpublic use is for such reasonable
26 rent, length of term, and conditions as the board in its
27 discretion may determine. All proceeds from such sale or lease
28 shall be used by the board or boards receiving the proceeds
29 solely for fixed capital outlay purposes. These purposes may
30 include the renovation or remodeling of existing facilities
31 owned by the board or the construction of new facilities;

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1 however, for a community college board or university board,
2 such new facility must be authorized by the Legislature. It is
3 declared that the use of such rental by the board for public
4 purposes in accordance with its statutory authority is a
5 public use. Airspace or any other interest in property held by
6 the Board of Trustees of the Internal Improvement Trust Fund
7 or the State Board of Education may not be divested or
8 conveyed without approval of the respective board. Any
9 building, including any building or facility component that is
10 common to both nonpublic and educational portions thereof,
11 constructed in airspace that is sold or leased for nonpublic
12 use pursuant to this section is subject to all applicable
13 state, county, and municipal regulations pertaining to land
14 use, zoning, construction of buildings, fire protection,
15 health, and safety to the same extent and in the same manner
16 as such regulations would be applicable to the construction of
17 a building for nonpublic use on the appurtenant land beneath
18 the subject airspace. Any educational facility constructed or
19 leased as a part of a joint-occupancy facility is subject to
20 all rules and requirements of the respective boards or
21 departments having jurisdiction over educational facilities.

22 Section 814. Effective upon this act becoming a law,
23 section 1013.20, Florida Statutes, is created to read:

24 1013.20 Standards for relocatables used as classroom
25 space; inspections.--

26 (1) The State Board of Education shall adopt rules
27 establishing standards for relocatables intended for long-term
28 use as classroom space at a public elementary school, middle
29 school, or high school. "Long-term use" means the use of
30 relocatables at the same educational plant for a period of 4
31 years or more. Each relocatable acquired by a district school

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1 board after the effective date of the rules and intended for
2 long-term use must comply with the standards. District school
3 boards shall submit a plan for the use of existing
4 relocatables within the 5-year work program to be reviewed and
5 approved by the commissioner by January 1, 2003. A progress
6 report shall be provided by the commissioner to the Speaker of
7 the House of Representatives and the President of the Senate
8 each January thereafter. Relocatables that fail to meet the
9 standards after completion of the approved plan may not be
10 used as classrooms. The standards shall protect the health,
11 safety, and welfare of occupants by requiring compliance with
12 the Florida Building Code or the State Requirements for
13 Educational Facilities for existing relocatables, as
14 applicable, to ensure the safety and stability of construction
15 and onsite installation; fire and moisture protection; air
16 quality and ventilation; appropriate wind resistance; and
17 compliance with the requirements of the Americans with
18 Disabilities Act of 1990. If appropriate and where
19 relocatables are not scheduled for replacement, the standards
20 must also require relocatables to provide access to the same
21 technologies available to similar classrooms within the main
22 school facility and, if appropriate, and where relocatables
23 are not scheduled for replacement, to be accessible by
24 adequate covered walkways. A relocatable that is subject to
25 this section and does not meet the standards shall not be
26 reported as providing satisfactory student stations in the
27 Florida Inventory of School Houses.

28 (2) Annual inspections for all satisfactory
29 relocatables designed for classroom use or being occupied by
30 students are required for: foundations; tie-downs; structural
31 integrity; weatherproofing; HVAC; electrical; plumbing, if

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1 applicable; firesafety; and accessibility. Reports shall be
2 filed with the district school board and posted in each
3 respective relocatable in order to facilitate corrective
4 action.

5 Section 815. Section 1013.21, Florida Statutes, is
6 created to read:

7 1013.21 Reduction of relocatable facilities in use.--

8 (1)(a) It is a goal of the Legislature that all school
9 districts shall provide a quality educational environment for
10 their students such that, by July 1, 2003, student stations in
11 relocatable facilities exceeding 20 years of age and in use by
12 a district during the 1998-1999 fiscal year shall be removed
13 and the number of all other relocatable student stations at
14 over-capacity schools during that fiscal year shall be
15 decreased by half. The Legislature finds, however, that
16 necessary maintenance of existing facilities and public school
17 enrollment growth impair the ability of some districts to
18 achieve the goal of this section within 5 years. Therefore,
19 the Legislature is increasing its commitment to school funding
20 in this act, in part to help districts reduce the number of
21 temporary, relocatable student stations at over-capacity
22 schools. The Legislature intends that local school districts
23 also increase their investment toward meeting this goal. Each
24 district's progress toward meeting this goal shall be measured
25 annually by comparing district facilities work programs for
26 replacing relocatables with the state capital outlay
27 projections for education prepared by the Office of
28 Educational Facilities and SMART Schools Clearinghouse.
29 District facilities work programs shall be monitored by the
30 SMART Schools Clearinghouse to measure the commitment of local
31 school districts toward this goal.

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1 (b) For the purposes of this section, an
2 "over-capacity school" means a school the capital outlay FTE
3 enrollment of which exceeds 100 percent of the space and
4 occupant design capacity of its nonrelocatable facilities.
5 However, if a school's initial design incorporated relocatable
6 or modular instructional space, an "over-capacity school"
7 shall mean a school the capital outlay FTE enrollment of which
8 exceeds 100 percent of the space and occupant design capacity
9 of its core facilities.

10 (2) In accordance with the legislative goal described
11 in subsection (1), any relocatables purchased with money
12 appropriated pursuant to chapter 97-384, Laws of Florida,
13 shall be counted at actual student capacity for purposes of s.
14 1013.31 for the life cycle of the relocatable.

15 Section 816. Section 1013.22, Florida Statutes, is
16 created to read:

17 1013.22 Obscenity on educational buildings or
18 vehicles.--Whoever willfully cuts, paints, pastes, marks, or
19 defaces by writing or in any other manner any educational
20 building, furniture, apparatus, appliance, outbuilding,
21 ground, fence, tree, post, vehicle, or other educational
22 property with an obscene word, image, or device commits a
23 misdemeanor of the second degree, punishable as provided in s.
24 775.082 or s. 775.083. This section shall not apply to any
25 student in grades K-12 subject to the discipline of a district
26 school board.

27 Section 817. Section 1013.23, Florida Statutes, is
28 created to read:

29 1013.23 Energy efficiency contracting.--

30 (1) LEGISLATIVE INTENT.--The Legislature finds that
31 investment in energy conservation measures in educational

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1 facilities can reduce the amount of energy consumed and
2 produce immediate and long-term savings. It is the policy of
3 this state to encourage school districts, community colleges,
4 and state universities to invest in energy conservation
5 measures that reduce energy consumption, produce a cost
6 savings, and improve the quality of indoor air in facilities,
7 and, when economically feasible, to build, operate, maintain,
8 or renovate educational facilities in such a manner so as to
9 minimize energy consumption and maximize energy savings. It is
10 further the policy of this state to encourage school
11 districts, community colleges, and state universities to
12 reinvest any energy savings resulting from energy conservation
13 measures into additional energy conservation efforts.

14 (2) DEFINITIONS.--For purposes of this section, the
15 term:

16 (a) "Energy conservation measure" means a training
17 program, facility alteration, or equipment to be used in new
18 construction, including an addition to an existing facility,
19 that reduces energy costs, and includes, but is not limited
20 to:

21 1. Insulation of the facility structure and systems
22 within the facility.

23 2. Storm windows and doors, caulking or
24 weatherstripping, multi-glazed windows and doors,
25 heat-absorbing, or heat-reflective, glazed and coated window
26 and door systems, additional glazing, reductions in glass
27 area, and other window and door system modifications that
28 reduce energy consumption.

29 3. Automatic energy control systems.

30 4. Heating, ventilating, or air-conditioning system
31 modifications or replacements.

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1 5. Replacement or modifications of lighting fixtures
2 to increase the energy efficiency of the lighting system
3 which, at a minimum, shall conform to the Florida Building
4 Code.

5 6. Energy recovery systems.

6 7. Cogeneration systems that produce steam or forms of
7 energy such as heat, as well as electricity, for use primarily
8 within a facility or complex of facilities.

9 8. Energy conservation measures that provide long-term
10 operating cost reductions and significantly reduce Btu
11 consumed.

12 9. Renewable energy systems, such as solar, biomass,
13 and wind.

14 10. Devices which reduce water consumption or sewer
15 charges.

16 (b) "Energy cost savings" means:

17 1. A measured reduction in fuel, energy, or operation
18 and maintenance costs created from the implementation of one
19 or more energy conservation measures when compared with an
20 established baseline for previous fuel, energy, or operation
21 and maintenance costs; or

22 2. For new construction, a projected reduction in
23 fuel, energy, or operation and maintenance costs created from
24 the implementation of one or more energy conservation measures
25 when compared with the projected fuel, energy, or operation
26 and maintenance costs for equipment if the minimum standards
27 of the Florida Building Code for educational facilities
28 construction were implemented and signed and sealed by a
29 registered professional engineer.

30 (c) "Energy performance-based contract" means a
31 contract for the evaluation, recommendation, and

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1 implementation of energy conservation measures which includes,
2 at a minimum:

3 1. The design and installation of equipment to
4 implement one or more of such measures, and, if applicable,
5 operation and maintenance of such measures.

6 2. The amount of any actual annual savings. This
7 amount must meet or exceed total annual contract payments made
8 by the district school board, community college board of
9 trustees, or state university board of trustees for such
10 contract.

11 3. Financing charges to be incurred by the district
12 school board, community college board of trustees, or state
13 university board of trustees over the life of the contract.

14 (d) "Energy performance contractor" means a person or
15 business licensed pursuant to chapter 471, chapter 481, or
16 chapter 489 and experienced in the analysis, design,
17 implementation, and installation of energy conservation
18 measures through the implementation of energy
19 performance-based contracts.

20 (3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.--

21 (a) A district school board, community college board
22 of trustees, or state university board of trustees may enter
23 into an energy performance-based contract with an energy
24 performance contractor to significantly reduce energy or
25 operating costs of an educational facility through one or more
26 energy conservation measures.

27 (b) The energy performance contractor shall be
28 selected in compliance with s. 287.055; except that in a case
29 where a district school board, community college board of
30 trustees, or state university board of trustees determines
31 that fewer than three firms are qualified to perform the

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1 required services, the requirement for agency selection of
2 three firms, as provided in s. 287.055(4)(b), shall not apply
3 and the bid requirements of s. 287.057 shall not apply.

4 (c) Before entering into a contract pursuant to this
5 section, the district school board, community college board of
6 trustees, or state university board of trustees shall provide
7 published notice of the meeting in which it proposes to award
8 the contract, the names of the parties to the proposed
9 contract, and the contract's purpose.

10 (d) Prior to the design and installation of the energy
11 conservation measure, the district school board, community
12 college board of trustees, or state university board of
13 trustees must obtain from the energy performance contractor a
14 report that discloses all costs associated with the energy
15 conservation measure and provides an estimate of the amount of
16 the energy cost savings. The report must be reviewed by either
17 the Department of Education or the Department of Management
18 Services or signed and sealed by a registered professional
19 engineer.

20 (e) A district school board, community college board
21 of trustees, or state university board of trustees may enter
22 into an energy performance-based contract with an energy
23 performance contractor if, after review of the report required
24 by paragraph (d), it finds that the amount it would spend on
25 the energy conservation measures recommended in the report
26 will not exceed the amount to be saved in energy and operation
27 costs over 20 years from the date of installation, based on
28 life-cycle costing calculations, if the recommendations in the
29 report were followed and if the energy performance contractor
30 provides a written guarantee that the energy or operating cost
31 savings will meet or exceed the costs of the system. The

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1 contract may provide for payments over a period of time not to
2 exceed 20 years.

3 (f) A district school board, community college board
4 of trustees, or state university board of trustees may enter
5 into an installment payment contract for the purchase and
6 installation of energy conservation measures. The contract
7 shall provide for payments of not less than one-twentieth of
8 the price to be paid within 2 years from the date of the
9 complete installation and acceptance by the district school
10 board, community college board of trustees, or state
11 university board of trustees, and the remaining costs to be
12 paid at least quarterly, not to exceed a 20-year term based on
13 life-cycle costing calculations.

14 (g) Energy performance-based contracts may extend
15 beyond the fiscal year in which they become effective;
16 however, the term of any contract shall expire at the end of
17 each fiscal year and may be automatically renewed annually up
18 to 20 years, subject to a district school board, community
19 college board of trustees, or state university board of
20 trustees making sufficient annual appropriations based upon
21 continued realized energy cost savings. Such contracts shall
22 stipulate that the agreement does not constitute a debt,
23 liability, or obligation of the state or a district school
24 board, community college board of trustees, or state
25 university board of trustees, or a pledge of the faith and
26 credit of the state or a district school board, community
27 college board of trustees, or state university board of
28 trustees.

29 (4) CONTRACT PROVISIONS.--

30 (a) An energy performance-based contract shall include
31 a guarantee by the energy performance contractor that annual

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1 energy cost savings will meet or exceed the amortized cost of
2 energy conservation measures.

3 (b) The contract shall provide that all payments,
4 except obligations on termination of the contract before its
5 expiration, are to be made over time, but not to exceed 20
6 years from the date of complete installation and acceptance by
7 the district school board, community college board of
8 trustees, or state university board of trustees, and that the
9 annual savings are guaranteed to the extent necessary to make
10 annual payments to satisfy the contract.

11 (c) The contract must require that the energy
12 performance contractor to whom the contract is awarded provide
13 a 100-percent public construction bond to the district school
14 board, community college board of trustees, or state
15 university board of trustees for its faithful performance, as
16 required by s. 255.05.

17 (d) The contract shall require the energy performance
18 contractor to provide to the district school board, community
19 college board of trustees, or state university board of
20 trustees an annual reconciliation of the guaranteed energy
21 cost savings. The energy performance contractor shall be
22 liable for any annual savings shortfall which may occur. In
23 the event that such reconciliation reveals an excess in annual
24 energy cost savings, such excess savings shall not be used to
25 cover potential energy cost savings shortages in subsequent
26 contract years.

27 Section 818. Section 1013.24, Florida Statutes, is
28 created to read:

29 1013.24 Right of eminent domain.--There is conferred
30 upon the district school boards in the state the authority and
31 right to take private property for any public school purpose

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1 or use when, in the opinion of the school board, such property
2 is needed in the operation of any or all of the public schools
3 within the district, including property needed for any school
4 purpose or use in any school district or districts within the
5 county. The absolute fee simple title to all property so
6 taken and acquired shall vest in the district school board,
7 unless the school board seeks to appropriate a particular
8 right or estate in such property.

9 Section 819. Section 1013.25, Florida Statutes, is
10 created to read:

11 1013.25 When university or community college board of
12 trustees may exercise power of eminent domain.--Whenever it
13 becomes necessary for the welfare and convenience of any of
14 its institutions or divisions to acquire private property for
15 the use of such institutions, and this cannot be acquired by
16 agreement satisfactory to a university or community college
17 board of trustees and the parties interested in, or the owners
18 of, the private property, the board of trustees may exercise
19 the power of eminent domain after receiving approval therefor
20 from the State Board of Education and may then proceed to
21 condemn the property in the manner provided by chapter 73 or
22 chapter 74.

23 Section 820. Section 1013.26, Florida Statutes, is
24 created to read:

25 1013.26 Department of Legal Affairs to represent
26 university board in condemnation proceedings.--Any suits or
27 actions brought by a university board of trustees to condemn
28 property, as provided in s. 1013.25, shall be brought in the
29 name of the university board of trustees, and the Department
30 of Legal Affairs shall conduct the proceedings for, and act as
31 the counsel of, the university board of trustees.

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1 Section 821. Section 1013.27, Florida Statutes, is
2 created to read:

3 1013.27 Purchase of land by municipality.--Any
4 municipality wherein a community college as defined by s.
5 1004.65 is situated may purchase land with municipal funds and
6 to donate and convey the land or any other land to the
7 community college board of trustees.

8 Section 822. Section 1013.28, Florida Statutes, is
9 created to read:

10 1013.28 Disposal of property.--

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

19 (2) TANGIBLE PERSONAL PROPERTY.--Tangible personal
20 property which has been properly classified as surplus by a
21 district school board or community college board of trustees
22 shall be disposed of in accordance with the procedure
23 established by chapter 274 and by a university board of
24 trustees by chapter 273. However, the provisions of chapter
25 274 shall not be applicable to a motor vehicle used in driver
26 education to which title is obtained for a token amount from
27 an automobile dealer or manufacturer. In such cases, the
28 disposal of the vehicle shall be as prescribed in the
29 contractual agreement between the automotive agency or
30 manufacturer and the board.

31 Section 823. Part III of chapter 1013, Florida

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1 Statutes, shall be entitled "Planning and Construction of
2 Educational Facilities" and shall consist of ss.
3 1013.30-1013.54.

4 Section 824. Part III.a. of chapter 1013, Florida
5 Statutes, shall be entitled "Campus Master Plans and
6 Educational Plant Surveys" and shall consist of ss.
7 1013.30-1013.365.

8 Section 825. Section 1013.30, Florida Statutes, is
9 created to read:

10 1013.30 University campus master plans and campus
11 development agreements.--

12 (1) This section contains provisions for campus
13 planning and concurrency management that supersede the
14 requirements of part II of chapter 163, except when stated
15 otherwise in this section. These special growth management
16 provisions are adopted in recognition of the unique
17 relationship between university campuses and the local
18 governments in which they are located. While the campuses
19 provide research and educational benefits of statewide and
20 national importance, and further provide substantial
21 educational, economic, and cultural benefits to their host
22 local governments, they may also have an adverse impact on the
23 public facilities and services and natural resources of host
24 governments. On balance, however, universities should be
25 considered as vital public facilities of the state and local
26 governments. The intent of this section is to address this
27 unique relationship by providing for the preparation of campus
28 master plans and associated campus development agreements.

29 (2) As used in this section:

30 (a) "Affected local government" means a unit of local
31 government that provides public services to or is responsible

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1 for maintaining facilities within a campus of an institution
2 or is directly affected by development that is proposed for a
3 campus.

4 (b) "Affected person" means a host local government;
5 an affected local government; any state, regional, or federal
6 agency; or a person who resides, owns property, or owns or
7 operates a business within the boundaries of a host local
8 government or affected local government.

9 (c) "Host local government" means a local government
10 within the jurisdiction of which all or part of a campus of an
11 institution is located, but does not include a county if no
12 part of an institution is located within its unincorporated
13 area.

14 (d) "Institution" means a university.

15 (3) Each university board of trustees shall prepare
16 and adopt a campus master plan for the university. The master
17 plan must identify general land uses and address the need for
18 and plans for provision of roads, parking, public
19 transportation, solid waste, drainage, sewer, potable water,
20 and recreation and open space during the coming 10 to 20
21 years. The plans must contain elements relating to future land
22 use, intergovernmental coordination, capital improvements,
23 recreation and open space, general infrastructure, housing,
24 and conservation. Each element must address compatibility with
25 the surrounding community. The master plan must identify
26 specific land uses, location of structures, densities and
27 intensities of use, and contain standards for onsite
28 development, site design, environmental management, and the
29 preservation of historic and archaeological resources. The
30 transportation element must address reasonable transportation
31 demand management techniques to minimize offsite impacts where

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1 possible. Data and analyses on which the elements are based
2 must include, at a minimum: the characteristics of vacant
3 lands; projected impacts of development on onsite and offsite
4 infrastructure, public services, and natural resources;
5 student enrollment projections; student housing needs; and the
6 need for academic and support facilities. Master plans must be
7 updated at least every 5 years.

8 (4) Campus master plans may contain additional
9 elements at the discretion of the State Board of Education;
10 however, such elements are not subject to review under this
11 section. These additional elements may include the academic
12 mission of the institution, academic program, utilities,
13 public safety, architectural design, landscape architectural
14 design, and facilities maintenance.

15 (5) Subject to the right of the university board of
16 trustees to initiate the dispute resolution provisions of
17 subsection (8), a campus master plan must not be in conflict
18 with the comprehensive plan of the host local government and
19 the comprehensive plan of any affected local governments. A
20 campus master plan must be consistent with the state
21 comprehensive plan.

22 (6) Before a campus master plan is adopted, a copy of
23 the draft master plan must be sent for review to the host and
24 any affected local governments, the state land planning
25 agency, the Department of Environmental Protection, the
26 Department of Transportation, the Department of State, the
27 Fish and Wildlife Conservation Commission, and the applicable
28 water management district and regional planning council. These
29 agencies must be given 90 days after receipt of the campus
30 master plans in which to conduct their review and provide
31 comments to the university board of trustees. The commencement

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1 of this review period must be advertised in newspapers of
2 general circulation within the host local government and any
3 affected local government to allow for public comment.
4 Following receipt and consideration of all comments, and the
5 holding of at least two public hearings within the host
6 jurisdiction, the university board of trustees shall adopt the
7 campus master plan. It is the intent of the Legislature that
8 the university board of trustees comply with the notice
9 requirements set forth in s. 163.3184(15) to ensure full
10 public participation in this planning process. Campus master
11 plans developed under this section are not rules and are not
12 subject to chapter 120 except as otherwise provided in this
13 section.

14 (7) Notice that the campus master plan has been
15 adopted must be forwarded within 45 days after its adoption to
16 any affected person that submitted comments on the draft
17 campus master plan. The notice must state how and where a copy
18 of the master plan may be obtained or inspected. Within 30
19 days after receipt of the notice of adoption of the campus
20 master plan, or 30 days after the date the adopted plan is
21 available for review, whichever is later, an affected person
22 who submitted comments on the draft master plan may petition
23 the university board of trustees, challenging the campus
24 master plan as not being in compliance with this section or
25 any rule adopted under this section. The petition must state
26 each objection, identify its source, and provide a recommended
27 action. A petition filed by an affected local government may
28 raise only those issues directly pertaining to the public
29 facilities or services that the affected local government
30 provides to or maintains within the campus or to the direct
31 impact that campus development would have on the affected

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1 local government.

2 (8) Following receipt of a petition, the petitioning
3 party or parties and the university board of trustees shall
4 mediate the issues in dispute as follows:

5 (a) The parties have 60 days to resolve the issues in
6 dispute. Other affected parties that submitted comments on the
7 draft campus master plan must be given the opportunity to
8 participate in these and subsequent proceedings.

9 (b) If resolution of the matter cannot be achieved
10 within 60 days, the issues must be submitted to the state land
11 planning agency. The state land planning agency has 60 days to
12 hold informal hearings, if necessary, identify the issues
13 remaining in dispute, prepare a record of the proceedings, and
14 submit the matter to the Administration Commission for final
15 action. The report to the Administration Commission must list
16 each issue in dispute, describe the nature and basis for each
17 dispute, identify alternative resolutions of the dispute, and
18 make recommendations.

19 (c) 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. If the Administration Commission
27 incorporates in its final order a term or condition that
28 specifically requires the university board of trustees or a
29 local government to amend or modify its plan, the university
30 board of trustees shall have a reasonable period of time to
31 amend or modify its plan, and a local government shall

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1 initiate the required plan amendment, which shall be exempt
2 from the requirements of s. 163.3187(1). Any required
3 amendment to a local government comprehensive plan must be
4 limited in scope so as to only relate to specific impacts
5 attributable to the campus development. The final order of the
6 Administration Commission is subject to judicial review as
7 provided in s. 120.68.

8 (9) An amendment to a campus master plan must be
9 reviewed and adopted under subsections (6)-(8) if such
10 amendment, alone or in conjunction with other amendments,
11 would:

12 (a) Increase density or intensity of use of land on
13 the campus by more than 10 percent;

14 (b) Decrease the amount of natural areas, open space,
15 or buffers on the campus by more than 10 percent; or

16 (c) Rearrange land uses in a manner that will increase
17 the impact of any proposed campus development by more than 10
18 percent on a road or on another public facility or service
19 provided or maintained by the state, the county, the host
20 local government, or any affected local government.

21 (10) Upon adoption of a campus master plan, the
22 university board of trustees shall draft a proposed campus
23 development agreement for each local government and send it to
24 the local government within 270 days after the adoption of the
25 relevant campus master plan.

26 (11) At a minimum, each campus development agreement:

27 (a) Must identify the geographic area of the campus
28 and local government covered by the campus development
29 agreement.

30 (b) Must establish its duration, which must be at
31 least 5 years and not more than 10 years.

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1 (c) Must address public facilities and services
2 including roads, sanitary sewer, solid waste, drainage,
3 potable water, parks and recreation, and public
4 transportation.

5 (d) Must, for each of the facilities and services
6 listed in paragraph (c), identify the level-of-service
7 standard established by the applicable local government,
8 identify the entity that will provide the service to the
9 campus, and describe any financial arrangements between the
10 State Board of Education and other entities relating to the
11 provision of the facility or service.

12 (e) Must, for each of the facilities and services
13 listed in paragraph (c), determine the impact of existing and
14 proposed campus development reasonably expected over the term
15 of the campus development agreement on each service or
16 facility and any deficiencies in such service or facility
17 which the proposed campus development will create or to which
18 it will contribute.

19 (f) May, if proposed by the university board of
20 trustees, address the issues prescribed in paragraphs (d) and
21 (e) with regard to additional facilities and services,
22 including, but not limited to, electricity, nonpotable water,
23 law enforcement, fire and emergency rescue, gas, and
24 telephone.

25 (g) Must, to the extent it addresses issues addressed
26 in the campus master plan and host local government
27 comprehensive plan, be consistent with the adopted campus
28 master plan and host local government comprehensive plan.

29 (12)(a) Each proposed campus development agreement
30 must clearly identify the lands to which the university board
31 of trustees intends the campus development agreement to apply.

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1 (b) Such land may include:

2 1. Land to be purchased by the university board of
3 trustees and if purchased with state appropriated funds titled
4 in the name of the board of trustees of the Internal
5 Improvement Trust Fund for use by an institution over the life
6 of the campus development agreement.

7 2. Land not owned by the board of trustees of the
8 Internal Improvement Trust Fund if the university board of
9 trustees intends to undertake development activities on the
10 land during the term of the campus development agreement.

11 (c) Land owned by the Board of Trustees of the
12 Internal Improvement Trust Fund for lease to the State Board
13 of Education acting on behalf of the institution may be
14 excluded, but any development activity undertaken on excluded
15 land is subject to part II of chapter 163.

16 (13) With regard to the impact of campus development
17 on the facilities and services listed in paragraph (11)(c),
18 the following applies:

19 (a) All improvements to facilities or services which
20 are necessary to eliminate the deficiencies identified in
21 paragraph (11)(e) must be specifically listed in the campus
22 development agreement.

23 (b) The university board of trustees' fair share of
24 the cost of the measures identified in paragraph (a) must be
25 stated in the campus development agreement. In determining the
26 fair share, the effect of any demand management techniques,
27 which may include such techniques as flexible work hours and
28 carpooling, that are used by the State Board of Education to
29 minimize the offsite impacts shall be considered.

30 (c) The university board of trustees is responsible
31 for paying the fair share identified in paragraph (b), and it

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1 may do so by:

2 1. Paying a fair share of each of the improvements
3 identified in paragraph (a); or

4 2. Taking on full responsibility for the improvements,
5 selected from the list of improvements identified in paragraph
6 (a), and agreed to between the host local government and the
7 State Board of Education, the total cost of which equals the
8 contribution identified in paragraph (b).

9 (d) All concurrency management responsibilities of the
10 university board of trustees are fulfilled if the university
11 board of trustees expends the total amount of funds identified
12 in paragraph (b) notwithstanding that the university board of
13 trustees may not have undertaken or made contributions to some
14 of the measures identified in paragraph (a).

15 (e) Capital projects included in the campus
16 development agreement may be used by the local government for
17 the concurrency management purposes.

18 (f) Funds provided by universities in accordance with
19 campus development agreements are subject to appropriation by
20 the Legislature. A development authorized by a campus
21 development agreement may not be built until the funds to be
22 provided pursuant to paragraph (b) are appropriated by the
23 Legislature.

24 (14) A campus development agreement may not address or
25 include any standards or requirements for onsite development,
26 including environmental management requirements or
27 requirements for site preparation.

28 (15) Once the university board of trustees and host
29 local government agree on the provisions of the campus
30 development agreement, the campus development agreement shall
31 be executed by the university board of trustees and the host

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1 local government in a manner consistent with the requirements
2 of s. 163.3225. Once the campus development agreement is
3 executed, it is binding upon the university board of trustees
4 and host local government. A copy of the executed campus
5 development agreement must be sent to the state land planning
6 agency within 14 days after the date of execution.

7 (16) If, within 180 days following the host local
8 government's receipt of the proposed campus development
9 agreement, the university board of trustees and host local
10 government cannot reach agreement on the provisions of the
11 campus development agreement, the following procedures for
12 resolving the matter must be followed:

13 (a) The matter must be submitted to the state land
14 planning agency, which has 60 days to hold informal hearings,
15 if necessary, and identify the issues remaining in dispute,
16 prepare a record of the proceedings, and submit the matter to
17 the Administration Commission for final action. The report to
18 the Administration Commission must list each issue in dispute,
19 describe the nature and basis for each dispute, identify
20 alternative resolutions of each dispute, and make
21 recommendations.

22 (b) After receiving the report from the state land
23 planning agency, the Administration Commission shall take
24 action to resolve the issues in dispute. In deciding upon a
25 proper resolution, the Administration Commission shall
26 consider the nature of the issues in dispute, the compliance
27 of the parties with this section, the extent of the conflict
28 between the parties, the comparative hardships, and the public
29 interest involved. In resolving the matter, the Administration
30 Commission may prescribe, by order, the contents of the campus
31 development agreement.

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1 (17) Disputes that arise in the implementation of an
2 executed campus development agreement must be resolved as
3 follows:

4 (a) Each party shall select one mediator and notify
5 the other in writing of the selection. Thereafter, within 15
6 days after their selection, the two mediators selected by the
7 parties shall select a neutral, third mediator to complete the
8 mediation panel.

9 (b) Each party is responsible for all costs and fees
10 payable to the mediator selected by it and shall equally bear
11 responsibility for the costs and fees payable to the third
12 mediator for services rendered and costs expended in
13 connection with resolving disputes pursuant to the campus
14 development agreement.

15 (c) Within 10 days after the selection of the
16 mediation panel, proceedings must be convened by the panel to
17 resolve the issues in dispute.

18 (d) Within 60 days after the convening of the panel,
19 the panel shall issue a report containing a recommended
20 resolution of the issues in dispute.

21 (e) If either the university board of trustees or
22 local government rejects the recommended resolution of the
23 issues in dispute, the disputed issues must be resolved
24 pursuant to the procedures provided by subsection (16).

25 (18) Once the campus development agreement is
26 executed, all campus development may proceed without further
27 review by the host local government if it is consistent with
28 the adopted campus master plan and associated campus
29 development agreement.

30 (19) A campus development agreement may be amended
31 under subsections (10)-(16):

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1 (a) In conjunction with any amendment to the campus
2 master plan subject to the requirements in subsection (9).

3 (b) If either party delays by more than 12 months the
4 construction of a capital improvement identified in the
5 agreement.

6 (20) Any party to a campus development agreement or
7 aggrieved or adversely affected person, as defined in s.
8 163.3215(2), may file an action for injunctive relief in the
9 circuit court where the host local government is located to
10 enforce the terms of a campus development agreement or to
11 challenge compliance of the agreement with this section. This
12 action shall be the sole and exclusive remedy of an adversely
13 affected person other than a party to the agreement to enforce
14 any rights or obligations arising from a development
15 agreement.

16 (21) State and regional environmental program
17 requirements remain applicable, except that this section
18 supersedes all other sections of part II of chapter 163 and s.
19 380.06 except as provided in this section.

20 (22) In consultation with the state land planning
21 agency, the State Board of Education shall adopt rules
22 implementing subsections (3)-(6). The rules must set specific
23 schedules and procedures for the development and adoption of
24 campus master plans.

25 (23) Until the campus master plan and campus
26 development agreement for an institution have been finalized,
27 any dispute between the university board of trustees and a
28 local government relating to campus development for that
29 institution shall be resolved by the process established in
30 subsection (8).

31 Section 826. Section 1013.31, Florida Statutes, is

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1 created to read:

2 1013.31 Educational plant survey; localized need
3 assessment; PECO project funding.--

4 (1) At least every 5 years, each board shall arrange
5 for an educational plant survey, to aid in formulating plans
6 for housing the educational program and student population,
7 faculty, administrators, staff, and auxiliary and ancillary
8 services of the district or campus, including consideration of
9 the local comprehensive plan. The Office of Workforce and
10 Economic Development shall document the need for additional
11 career and adult education programs and the continuation of
12 existing programs before facility construction or renovation
13 related to career or adult education may be included in the
14 educational plant survey of a school district or community
15 college that delivers career or adult education programs.
16 Information used by the Office of Workforce and Economic
17 Development to establish facility needs must include, but need
18 not be limited to, labor market data, needs analysis, and
19 information submitted by the school district or community
20 college.

21 (a) Survey preparation and required data.--Each survey
22 shall be conducted by the board or an agency employed by the
23 board. Surveys shall be reviewed and approved by the board,
24 and a file copy shall be submitted to the commissioner. The
25 survey report shall include at least an inventory of existing
26 educational and ancillary plants; recommendations for existing
27 educational and ancillary plants; recommendations for new
28 educational or ancillary plants, including the general
29 location of each in coordination with the land use plan;
30 campus master plan update and detail for community colleges;
31 the utilization of school plants based on an extended school

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1 day or year-round operation; and such other information as may
2 be required by the rules of the State Board of Education. This
3 report may be amended, if conditions warrant, at the request
4 of the board or commissioner.

5 (b) Required need assessment criteria for district,
6 community college, and state university plant surveys.--Each
7 educational plant survey completed must use uniform data
8 sources and criteria specified in this paragraph. Each revised
9 educational plant survey and each new educational plant survey
10 supersedes previous surveys.

11 1. Each school district's educational plant survey
12 must reflect the capacity of existing satisfactory facilities
13 as reported in the Florida Inventory of School Houses.
14 Projections of facility space needs may not exceed the norm
15 space and occupant design criteria established by the State
16 Requirements for Educational Facilities. Existing and
17 projected capital outlay full-time equivalent student
18 enrollment must be consistent with data prepared by the
19 department and must include all enrollment used in the
20 calculation of the distribution formula in s. 1013.64(3). To
21 insure that the data reported to the Department of Education
22 as required by this section is correct, the department shall
23 annually conduct an onsite review of 5 percent of the
24 facilities reported for each school district completing a new
25 survey that year. If the department's review finds the data
26 reported by a district is less than 95 percent accurate,
27 within one year from the time of notification by the
28 department the district must submit revised reports correcting
29 its data. If a district fails to correct its reports, the
30 commissioner may direct that future fixed capital outlay funds
31 be withheld until such time as the district has corrected its

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1 reports so that they are not less than 95 percent accurate.
2 All satisfactory relocatable classrooms, including those
3 owned, lease-purchased, or leased by the school district,
4 shall be included in the school district inventory of gross
5 capacity of facilities and must be counted at actual student
6 capacity for purposes of the inventory. For future needs
7 determination, student capacity shall not be assigned to any
8 relocatable classroom that is scheduled for elimination or
9 replacement with a permanent educational facility in the
10 adopted 5-year educational plant survey and in the district
11 facilities work program adopted under s. 1013.35. Those
12 relocatables clearly identified and scheduled for replacement
13 in a school board adopted financially feasible 5-year district
14 facilities work program shall be counted at zero capacity at
15 the time the work program is adopted and approved by the
16 school board. However, if the district facilities work program
17 is changed or altered and the relocatables are not replaced as
18 scheduled in the work program, they must then be reentered
19 into the system for counting at actual capacity. Relocatables
20 may not be perpetually added to the work program and
21 continually extended for purposes of circumventing the intent
22 of this section. All remaining relocatable classrooms,
23 including those owned, lease-purchased, or leased by the
24 school district, shall be counted at actual student capacity.
25 The educational plant survey shall identify the number of
26 relocatable student stations scheduled for replacement during
27 the 5-year survey period and the total dollar amount needed
28 for that replacement. All district educational plant surveys
29 shall include information on leased space used for conducting
30 the district's instructional program, in accordance with the
31 recommendations of the department's report authorized in s.

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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.

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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

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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

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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

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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

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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 (8) Existing schools shall be considered consistent

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1 with the applicable local government comprehensive plan
2 adopted under part II of chapter 163. The collocation of a new
3 proposed public educational facility with an existing public
4 educational facility, or the expansion of an existing public
5 educational facility is not inconsistent with the local
6 comprehensive plan, if the site is consistent with the
7 comprehensive plan's future land use policies and categories
8 in which public schools are identified as allowable uses, and
9 levels of service adopted by the local government for any
10 facilities affected by the proposed location for the new
11 facility are maintained. If a board submits an application to
12 expand an existing school site, the local governing body may
13 impose reasonable development standards and conditions on the
14 expansion only, and in a manner consistent with s. 1013.51(1).
15 Standards and conditions may not be imposed which conflict
16 with those established in this chapter or the State Uniform
17 Building Code, unless mutually agreed. Local government review
18 or approval is not required for:

19 (a) The placement of temporary or portable classroom
20 facilities; or

21 (b) Proposed renovation or construction on existing
22 school sites, with the exception of construction that changes
23 the primary use of a facility, includes stadiums, or results
24 in a greater than 5 percent increase in student capacity, or
25 as mutually agreed.

26 Section 829. Section 1013.34, Florida Statutes, is
27 created to read:

28 1013.34 General educational facilities report.--

29 (1) It is the policy of the state to foster
30 coordination between district school boards and the local
31 general-purpose governments as those local general-purpose

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1 governments develop and implement plans under the Local
2 Government Comprehensive Planning and Land Development
3 Regulation Act, part II of chapter 163.

4 (2) Each district school board shall submit annually
5 on October 1 to each local government within the school
6 board's jurisdiction a general educational facilities report.
7 The general educational facilities report must contain
8 information detailing existing educational facilities and
9 their locations and projected needs. The report must also
10 contain the board's capital improvement plan, including
11 planned facilities with funding over the next 3 years, and the
12 educational facilities representing the district's unmet need.
13 The school board shall also provide a copy of its educational
14 plan survey to each local government at least once every 5
15 years.

16 Section 830. Section 1013.35, Florida Statutes, is
17 created to read:

18 1013.35 School district facilities work program;
19 definitions; preparation, adoption, and amendment; long-term
20 work programs.--

21 (1) DEFINITIONS.--As used in this section, the term:

22 (a) "Adopted district facilities work program" means
23 the 5-year work program adopted by the district school board
24 as provided in subsection (3).

25 (b) "Tentative district facilities work program" means
26 the 5-year listing of capital outlay projects required:

27 1. To properly maintain the educational plant and
28 ancillary facilities of the district.

29 2. To provide an adequate number of satisfactory
30 student stations for the projected student enrollment of the
31 district in K-12 programs in accordance with the goal in s.

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1 1013.21.

2 (2) PREPARATION OF TENTATIVE DISTRICT FACILITIES WORK
3 PROGRAM.--

4 (a) Annually, prior to the adoption of the district
5 school budget, each district school board shall prepare a
6 tentative district facilities work program that includes:

7 1. A schedule of major repair and renovation projects
8 necessary to maintain the educational plant and ancillary
9 facilities of the district.

10 2. A schedule of capital outlay projects necessary to
11 ensure the availability of satisfactory student stations for
12 the projected student enrollment in K-12 programs. This
13 schedule shall consider:

14 a. The locations, capacities, and planned utilization
15 rates of current educational facilities of the district.

16 b. The proposed locations of planned facilities.

17 c. Plans for the use and location of relocatable
18 facilities, leased facilities, and charter school facilities.

19 d. Plans for multitrack scheduling, grade level
20 organization, block scheduling, or other alternatives that
21 reduce the need for permanent student stations.

22 e. Information concerning average class size and
23 utilization rate by grade level within the district that will
24 result if the tentative district facilities work program is
25 fully implemented. The average shall not include exceptional
26 student education classes or prekindergarten classes.

27 f. The number and percentage of district students
28 planned to be educated in relocatable facilities during each
29 year of the tentative district facilities work program.

30 g. Plans for the closure of any school, including
31 plans for disposition of the facility or usage of facility

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1 space, and anticipated revenues.

2 3. The projected cost for each project identified in
3 the tentative district facilities work program. For proposed
4 projects for new student stations, a schedule shall be
5 prepared comparing the planned cost and square footage for
6 each new student station, by elementary, middle, and high
7 school levels, to the low, average, and high cost of
8 facilities constructed throughout the state during the most
9 recent fiscal year for which data is available from the
10 Department of Education.

11 4. A schedule of estimated capital outlay revenues
12 from each currently approved source which is estimated to be
13 available for expenditure on the projects included in the
14 tentative district facilities work program.

15 5. A schedule indicating which projects included in
16 the tentative district facilities work program will be funded
17 from current revenues projected in subparagraph 4.

18 6. A schedule of options for the generation of
19 additional revenues by the district for expenditure on
20 projects identified in the tentative district facilities work
21 program which are not funded under subparagraph 5. Additional
22 anticipated revenues may include effort index grants, SIT
23 Program awards, and Classrooms First funds.

24 (b) To the extent available, the tentative district
25 facilities work program shall be based on information produced
26 by the demographic, revenue, and education estimating
27 conferences pursuant to s. 216.136.

28 (c) Provision shall be made for public comment
29 concerning the tentative district facilities work program.

30 (3) ADOPTED DISTRICT FACILITIES WORK
31 PROGRAM.--Annually, the district school board shall consider

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1 and adopt the tentative district facilities work program
2 completed pursuant to subsection (2). Upon giving proper
3 public notice and opportunity for public comment, the district
4 school board may amend the program to revise the priority of
5 projects, to add or delete projects, to reflect the impact of
6 change orders, or to reflect the approval of new revenue
7 sources which may become available. The adopted district
8 facilities work program shall:

9 (a) Be a complete, balanced capital outlay financial
10 plan for the district.

11 (b) Set forth the proposed commitments and planned
12 expenditures of the district to address the educational
13 facilities needs of its students and to adequately provide for
14 the maintenance of the educational plant and ancillary
15 facilities.

16 (4) EXECUTION OF ADOPTED DISTRICT FACILITIES WORK
17 PROGRAM.--The first year of the adopted district facilities
18 work program shall constitute the capital outlay budget
19 required in s. 1013.61. The adopted district facilities work
20 program shall include the information required in
21 subparagraphs (2)(a)1., 2., and 3., based upon projects
22 actually funded in the program.

23 (5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to
24 the adopted district facilities work program covering the
25 5-year work program, the district school board shall adopt
26 annually a 10-year and a 20-year work program which include
27 the information set forth in subsection (2), but based upon
28 enrollment projections and facility needs for the 10-year and
29 20-year periods. It is recognized that the projections in the
30 10-year and 20-year timeframes are tentative and should be
31 used only for general planning purposes.

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1 Section 831. Section 1013.36, Florida Statutes, is
2 created to read:

3 1013.36 Site planning and selection.--

4 (1) Before acquiring property for sites, each district
5 school board and community college board of trustees shall
6 determine the location of proposed educational centers or
7 campuses. In making this determination, the board shall
8 consider existing and anticipated site needs and the most
9 economical and practicable locations of sites. The board shall
10 coordinate with the long-range or comprehensive plans of
11 local, regional, and state governmental agencies to assure the
12 compatibility of such plans with site planning. Boards are
13 encouraged to locate educational facilities proximate to urban
14 residential areas to the extent possible, and shall seek to
15 collocate educational facilities with other public facilities,
16 such as parks, libraries, and community centers, to the extent
17 possible.

18 (2) Each new site selected must be adequate in size to
19 meet the educational needs of the students to be served on
20 that site by the original educational facility or future
21 expansions of the facility through renovation or the addition
22 of relocatables. The State Board of Education shall prescribe
23 by rule recommended sizes for new sites according to
24 categories of students to be housed and other appropriate
25 factors determined by the state board. Less-than-recommended
26 site sizes are allowed if the board recommends such a site and
27 finds that it can provide an appropriate and equitable
28 educational program on the site.

29 (3) Sites recommended for purchase or purchased must
30 meet standards prescribed in law and such supplementary
31 standards as the State Board of Education prescribes to

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1 promote the educational interests of the students. Each site
2 must be well drained and suitable for outdoor educational
3 purposes as appropriate for the educational program. As
4 provided in s. 333.03, the site must not be located within any
5 path of flight approach of any airport. Insofar as is
6 practicable, the site must not adjoin a right-of-way of any
7 railroad or through highway and must not be adjacent to any
8 factory or other property from which noise, odors, or other
9 disturbances, or at which conditions, would be likely to
10 interfere with the educational program.

11 (4) It shall be the responsibility of the board to
12 provide adequate notice to appropriate municipal, county,
13 regional, and state governmental agencies for requested
14 traffic control and safety devices so they can be installed
15 and operating prior to the first day of classes or to satisfy
16 itself that every reasonable effort has been made in
17 sufficient time to secure the installation and operation of
18 such necessary devices prior to the first day of classes. It
19 shall also be the responsibility of the board to review
20 annually traffic control and safety device needs and to
21 request all necessary changes indicated by such review.

22 (5) Each board may request county and municipal
23 governments to construct and maintain sidewalks and bicycle
24 trails within a 2-mile radius of each educational facility
25 within the jurisdiction of the local government. When a board
26 discovers or is aware of an existing hazard on or near a
27 public sidewalk, street, or highway within a 2-mile radius of
28 a school site and the hazard endangers the life or threatens
29 the health or safety of students who walk, ride bicycles, or
30 are transported regularly between their homes and the school
31 in which they are enrolled, the board shall, within 24 hours

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1 after discovering or becoming aware of the hazard, excluding
2 Saturdays, Sundays, and legal holidays, report such hazard to
3 the governmental entity within the jurisdiction of which the
4 hazard is located. Within 5 days after receiving notification
5 by the board, excluding Saturdays, Sundays, and legal
6 holidays, the governmental entity shall investigate the
7 hazardous condition and either correct it or provide such
8 precautions as are practicable to safeguard students until the
9 hazard can be permanently corrected. However, if the
10 governmental entity that has jurisdiction determines upon
11 investigation that it is impracticable to correct the hazard,
12 or if the entity determines that the reported condition does
13 not endanger the life or threaten the health or safety of
14 students, the entity shall, within 5 days after notification
15 by the board, excluding Saturdays, Sundays, and legal
16 holidays, inform the board in writing of its reasons for not
17 correcting the condition. The governmental entity, to the
18 extent allowed by law, shall indemnify the board from any
19 liability with respect to accidents or injuries, if any,
20 arising out of the hazardous condition.

21 Section 832. Section 1013.365, Florida Statutes, is
22 created to read:

23 1013.365 Schools on contaminated site prohibited.--

24 (1) DEFINITIONS.--For purposes of this section, the
25 following terms shall have the same meaning as provided in the
26 definitions in s. 376.301: "contaminant," "contaminated
27 site," "discharge," "engineering controls," "hazardous
28 substances," "institutional controls," "pollutants," and "site
29 rehabilitation."

30 (2) LEGISLATIVE INTENT.--The Legislature finds:

31 (a) Steps should be taken to eliminate or reduce the

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1 risk to student health posed by attendance at K-12 schools
2 located on or adjacent to a contaminated site.

3 (b) District school boards have a duty and a
4 responsibility to ensure the safety of school children while
5 attending K-12 schools and engaging in extracurricular
6 activities on school properties.

7 (c) Ensuring student safety includes preventing,
8 eliminating, or reducing exposure to contaminants that may
9 exist at or adjacent to K-12 school properties.

10 (3) K-12 SCHOOL SITING LIMITATIONS; PROHIBITIONS.--No
11 K-12 school shall be built on or adjacent to a known
12 contaminated site unless steps have been taken to ensure that
13 children attending the school or playing on school property
14 will not be exposed to contaminants in the air, water, or soil
15 at levels that present a threat to human health or the
16 environment.

17 (4) DUTIES OF DISTRICT SCHOOL BOARD.--Before taking
18 title to real property upon which a K-12 school may be built
19 or initiating action to locate a K-12 school on real property
20 already owned by the school district, the district school
21 board shall conduct appropriate due diligence including all
22 appropriate inquiry into the previous ownership and use of the
23 property consistent with good commercial or customary practice
24 in an effort to determine the existence of any potential air,
25 water, or soil contamination that may exist on or adjacent to
26 the proposed K-12 school site. The district school board is
27 encouraged to contact the Department of Environmental
28 Protection to obtain any information about contaminated sites
29 on or adjacent to a proposed K-12 school site. Any evidence
30 of a discharge of pollutants or hazardous substances on or
31 adjacent to a proposed K-12 school site shall prompt the

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1 district school board to conduct further investigation using
2 at least a Phase II Environmental Audit, in accordance with
3 standards established by the American Society for Testing and
4 Materials (ASTM), that includes air, water, and soil sampling.
5 If the results of the environmental audit confirm the presence
6 of contaminants or pollution on or adjacent to the proposed
7 K-12 school site at concentrations that pose a threat to human
8 health or the environment, then the district school board
9 shall conduct appropriate site rehabilitation in accordance
10 with the provisions of subsection (5) before initiating K-12
11 school construction at the site.

12 (5) CORRECTIVE ACTION.--The Department of
13 Environmental Protection may use risk-based corrective action
14 cleanup criteria as described in ss. 376.3071, 376.3078, and
15 376.81, and in Chapter 62-777, F.A.C., in reviewing and
16 approving site rehabilitation conducted by district school
17 boards pursuant to this section.

18 Section 833. Part III.b. of chapter 1013, Florida
19 Statutes, shall be entitled "Building Codes and Construction
20 for Educational Facilities" and shall consist of ss.
21 1013.37-1013.45.

22 Section 834. Section 1013.37, Florida Statutes, is
23 created to read:

24 1013.37 State uniform building code for public
25 educational facilities construction.--

26 (1) UNIFORM BUILDING CODE.--A uniform statewide
27 building code for the planning and construction of public
28 educational and ancillary plants by district school boards and
29 community college district boards of trustees shall be adopted
30 by the Florida Building Commission within the Florida Building
31 Code, pursuant to s. 553.73. Included in this code must be

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1 flood plain management criteria in compliance with the rules
2 and regulations in 44 C.F.R. parts 59 and 60, and subsequent
3 revisions thereto which are adopted by the Federal Emergency
4 Management Agency. It is also the responsibility of the
5 department to develop, as a part of the uniform building code,
6 standards relating to:

7 (a) Prefabricated facilities or factory-built
8 facilities that are designed to be portable, relocatable,
9 demountable, or reconstructible; are used primarily as
10 classrooms; and do not fall under the provisions of ss.
11 320.822-320.862. Such standards must permit boards to contract
12 with the Department of Community Affairs for factory
13 inspections by certified building code inspectors to certify
14 conformance with applicable law and rules. The standards must
15 comply with the requirements of s. 1013.20 for relocatable
16 facilities intended for long-term use as classroom space, and
17 the relocatable facilities shall be designed subject to
18 missile impact criteria of s. 423(24)(d)(1) of the Florida
19 Building Code when located in the windborne debris region.

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

23 (c) The safety of occupants of educational and
24 ancillary plants as provided in s. 1013.12, except that the
25 firesafety criteria shall be established by the State Fire
26 Marshal in cooperation with the Florida Building Commission
27 and the department and such firesafety requirements must be
28 incorporated into the Florida Fire Prevention Code.

29 (d) Accessibility for children, notwithstanding the
30 provisions of s. 553.512.

31 (e) The performance of life-cycle cost analyses on

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1 alternative architectural and engineering designs to evaluate
2 their energy efficiencies.

3 1. The life-cycle cost analysis must consist of the
4 sum of:

5 a. The reasonably expected fuel costs over the life of
6 the building which are required to maintain illumination,
7 water heating, temperature, humidity, ventilation, and all
8 other energy-consuming equipment in a facility; and

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

11 2. For computation of the life-cycle costs, the
12 department shall develop standards that must include, but need
13 not be limited to:

14 a. The orientation and integration of the facility
15 with respect to its physical site.

16 b. The amount and type of glass employed in the
17 facility and the directions of exposure.

18 c. The effect of insulation incorporated into the
19 facility design and the effect on solar utilization of the
20 properties of external surfaces.

21 d. The variable occupancy and operating conditions of
22 the facility and subportions of the facility.

23 e. An energy-consumption analysis of the major
24 equipment of the facility's heating, ventilating, and cooling
25 system; lighting system; and hot water system and all other
26 major energy-consuming equipment and systems as appropriate.

27 3. Life-cycle cost criteria published by the
28 Department of Education for use in evaluating projects.

29 4. Standards for construction materials and systems
30 based on life-cycle costs that consider initial costs,
31 maintenance costs, custodial costs, operating costs, and life

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1 expectancy. The standards may include multiple acceptable
2 materials. It is the intent of the Legislature to require
3 district school boards to comply with these standards when
4 expending funds from the Public Education Capital Outlay and
5 Debt Service Trust Fund or the School District and Community
6 College District Capital Outlay and Debt Service Trust Fund
7 and to prohibit district school boards from expending local
8 capital outlay revenues for any project that includes
9 materials or systems that do not comply with these standards,
10 unless the district school board submits evidence that
11 alternative materials or systems meet or exceed standards
12 developed by the department.

13
14 It is not a purpose of the Florida Building Code to inhibit
15 the use of new materials or innovative techniques; nor may it
16 specify or prohibit materials by brand names. The code must be
17 flexible enough to cover all phases of construction so as to
18 afford reasonable protection for the public safety, health,
19 and general welfare. The department may secure the service of
20 other state agencies or such other assistance as it finds
21 desirable in recommending to the Florida Building Commission
22 revisions to the code.

23 (2) APPROVAL.--

24 (a) Before a contract has been let for the
25 construction, the department, the district school board, the
26 community college board, or its authorized review agent must
27 approve the phase III construction documents. A district
28 school board or a community college board may reuse prototype
29 plans on another site, provided the facilities list and phase
30 III construction documents have been updated for the new site
31 and for compliance with the Florida Building Code and the

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1 Florida Fire Prevention Code and any laws relating to
2 firesafety, health and sanitation, casualty safety, and
3 requirements for the physically handicapped which are in
4 effect at the time a construction contract is to be awarded.

5 (b) In reviewing plans for approval, the department,
6 the district school board, the community college board, or its
7 review agent as authorized in s. 1013.38, shall take into
8 consideration:

9 1. The need for the new facility.

10 2. The educational and ancillary plant planning.

11 3. The architectural and engineering planning.

12 4. The location on the site.

13 5. Plans for future expansion.

14 6. The type of construction.

15 7. Sanitary provisions.

16 8. Conformity to Florida Building Code standards.

17 9. The structural design and strength of materials

18 proposed to be used.

19 10. The mechanical design of any heating,
20 air-conditioning, plumbing, or ventilating system. Typical
21 heating, ventilating, and air-conditioning systems preapproved
22 by the department for specific applications may be used in the
23 design of educational facilities.

24 11. The electrical design of educational plants.

25 12. The energy efficiency and conservation of the
26 design.

27 13. Life-cycle cost considerations.

28 14. The design to accommodate physically handicapped
29 persons.

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

31 16. The proposed construction cost per gross square

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1 foot.

2 17. Conformity with the Florida Fire Prevention Code.

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

19 (3) REVIEW PROCEDURE.--The Commissioner of Education
20 shall cooperate with the Florida Building Commission in
21 addressing all questions, disputes, or interpretations
22 involving the provisions of the Florida Building Code which
23 govern the construction of public educational and ancillary
24 facilities, and any objections to decisions made by the
25 inspectors or the department must be submitted in writing.

26 (4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The
27 department shall biennially review and recommend to the
28 Florida Building Commission updates and revisions to the
29 provisions of the Florida Building Code which govern the
30 construction of public educational and ancillary facilities.
31 The department shall publish and make available to each board

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1 at no cost copies of the state requirements for educational
2 facilities and each amendment and revision thereto. The
3 department shall make additional copies available to all
4 interested persons at a price sufficient to recover costs.

5 (5) LOCAL LEGISLATION PROHIBITED.--After June 30,
6 1985, pursuant to s. 11(a)(21), Art. III of the State
7 Constitution, there shall not be enacted any special act or
8 general law of local application which proposes to amend,
9 alter, or contravene any provisions of the State Building Code
10 adopted under the authority of this section.

11 Section 835. Section 1013.371, Florida Statutes, is
12 created to read:

13 1013.371 Conformity to codes.--

14 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA
15 FIRE PREVENTION CODE REQUIRED FOR APPROVAL.--

16 (a) Except as otherwise provided in paragraph (b), all
17 public educational and ancillary plants constructed by a board
18 must conform to the Florida Building Code and the Florida Fire
19 Prevention Code, and the plants are exempt from all other
20 state building codes; county, municipal, or other local
21 amendments to the Florida Building Code and local amendments
22 to the Florida Fire Prevention Code; building permits, and
23 assessments of fees for building permits, except as provided
24 in s. 553.80; ordinances; road closures; and impact fees or
25 service availability fees. Any inspection by local or state
26 government must be based on the Florida Building Code and the
27 Florida Fire Prevention Code. Each board shall provide for
28 periodic inspection of the proposed educational plant during
29 each phase of construction to determine compliance with the
30 state requirements for educational facilities.

31 (b) A board may comply with the Florida Building Code

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1 and the Florida Fire Prevention Code and the administration of
2 the codes when constructing ancillary plants that are not
3 attached to educational facilities, if those plants conform to
4 the space size requirements established in the codes.

5 (c) A board may not approve any plans for the
6 construction, renovation, remodeling, or demolition of any
7 educational or ancillary plants unless these plans conform to
8 the requirements of the Florida Building Code and the Florida
9 Fire Prevention Code. Each board may adopt policies for
10 delegating to the district school superintendent, community
11 college president, or university president authority for
12 submitting documents to the department and for awarding
13 contracts subsequent to and consistent with board approval of
14 the scope, timeframes, funding source, and budget of a
15 survey-recommended project.

16 (2) ENFORCEMENT BY BOARD.--It is the responsibility of
17 each board to ensure that all plans and educational and
18 ancillary plants meet the standards of the Florida Building
19 Code and the Florida Fire Prevention Code and to provide for
20 the enforcement of these codes in the areas of its
21 jurisdiction. Each board shall provide for the proper
22 supervision and inspection of the work. Each board may employ
23 a chief building official or inspector and such other
24 inspectors, who have been certified pursuant to chapter 468,
25 and such personnel as are necessary to administer and enforce
26 the provisions of this code. Boards may also use local
27 building department inspectors who are certified by the
28 department to enforce this code. Plans or facilities that fail
29 to meet the standards of the Florida Building Code or the
30 Florida Fire Prevention Code may not be approved. When
31 planning for and constructing an educational, auxiliary, or

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1 ancillary facility, a board must use construction materials
2 and systems that meet standards adopted pursuant to s.
3 1013.37(1)(e)3. and 4. If the planned or actual construction
4 of a facility deviates from the adopted standards, the board
5 must, at a public hearing, quantify and compare the costs of
6 constructing the facility with the proposed deviations and in
7 compliance with the adopted standards and the Florida Building
8 Code. The board must explain the reason for the proposed
9 deviations and compare how the total construction costs and
10 projected life-cycle costs of the facility or component system
11 of the facility would be affected by implementing the proposed
12 deviations rather than using materials and systems that meet
13 the adopted standards.

14 (3) ENFORCEMENT BY DEPARTMENT.--As a further means of
15 ensuring that all educational and ancillary facilities
16 constructed or materially altered or added to conform to the
17 Florida Building Code standards or Florida Fire Prevention
18 Code standards, each board that undertakes the construction,
19 renovation, remodeling, purchasing, or lease-purchase of any
20 educational plant or ancillary facility, the cost of which
21 exceeds \$200,000, may submit plans to the department for
22 approval.

23 Section 836. Section 1013.372, Florida Statutes, is
24 created to read:

25 1013.372 Education facilities as emergency shelters.--

26 (1) The Department of Education shall, in consultation
27 with boards and county and state emergency management offices,
28 include within the standards to be developed under this
29 subsection public shelter design criteria to be incorporated
30 into the Florida Building Code. The new criteria must be
31 designed to ensure that appropriate new educational facilities

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1 can serve as public shelters for emergency-management
2 purposes. A facility, or an appropriate area within a
3 facility, for which a design contract is entered into after
4 the effective date of the inclusion of the public shelter
5 criteria in the code must be built in compliance with the
6 amended code unless the facility or a part of it is exempted
7 from using the new shelter criteria due to its location, size,
8 or other characteristics by the applicable board with the
9 concurrence of the applicable local emergency management
10 agency or the Department of Community Affairs. Any educational
11 facility located or proposed to be located in an identified
12 category 1, 2, or 3 evacuation zone is not subject to the
13 requirements of this subsection. If the regional planning
14 council region in which the county is located does not have a
15 hurricane evacuation shelter deficit, as determined by the
16 Department of Community Affairs, educational facilities within
17 the planning council region are not required to incorporate
18 the public shelter criteria.

19 (2) By January 31 of each even-numbered year, the
20 Department of Community Affairs shall prepare and submit a
21 statewide emergency shelter plan to the Governor and the
22 Cabinet for approval. The plan must identify the general
23 location and square footage of existing shelters, by regional
24 planning council region, and the general location and square
25 footage of needed shelters, by regional planning council
26 region, during the next 5 years. The plan must identify the
27 types of public facilities that should be constructed to
28 comply with emergency-shelter criteria and must recommend an
29 appropriate and available source of funding for the additional
30 cost of constructing emergency shelters within these public
31 facilities. After the approval of the plan, a board may not be

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1 required to build more emergency-shelter space than identified
2 as needed in the plan, and decisions pertaining to exemptions
3 pursuant to subsection (1) must be guided by the plan.

4 (3) The provisions of s. 1013.74 apply to university
5 facilities as emergency shelters.

6 Section 837. Section 1013.38, Florida Statutes, is
7 created to read:

8 1013.38 Boards to ensure that facilities comply with
9 building codes and life safety codes.--

10 (1) Boards shall ensure that all new construction,
11 renovation, remodeling, day labor, and maintenance projects
12 conform to the appropriate sections of the Florida Building
13 Code, Florida Fire Prevention Code, or, where applicable as
14 authorized in other sections of law, other building codes, and
15 life safety codes.

16 (2) Boards may provide compliance as follows:

17 (a) Boards or consortia may individually or
18 cooperatively provide review services under the insurance risk
19 management oversight through the use of board employees or
20 consortia employees, registered pursuant to chapter 471,
21 chapter 481, or part XII of chapter 468.

22 (b) Boards may elect to review construction documents
23 using their own employees registered pursuant to chapter 471,
24 chapter 481, or part XII of chapter 468.

25 (c) Boards may submit phase III construction documents
26 for review to the department.

27 (d) Boards or consortia may contract for plan review
28 services directly with engineers and architects registered
29 pursuant to chapter 471 or chapter 481.

30 (3) The Department of Management Services may, upon
31 request, provide facilities services for the Florida School

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1 for the Deaf and the Blind, the Division of Blind Services,
2 and Public Broadcasting. As used in this section, the term
3 "facilities services" means project management, code and
4 design plan review, and code compliance inspection for
5 projects as defined in s. 287.017(1)(e).

6 Section 838. Section 1013.39, Florida Statutes, is
7 created to read:

8 1013.39 Building construction standards;
9 exemptions.--Universities are exempt from local amendments to
10 the Florida Building Code and the Florida Fire Prevention
11 Code.

12 Section 839. Section 1013.40, Florida Statutes, is
13 created to read:

14 1013.40 Planning and construction of community college
15 facilities; property acquisition.--

16 (1) The need for community college facilities shall be
17 established by a survey conducted pursuant to this chapter.
18 The facilities recommended by such survey must be approved by
19 the State Board of Education and the projects must be
20 constructed according to the provisions of this chapter and
21 State Board of Education rules.

22 (2) No community college may expend public funds for
23 the acquisition of additional property without the specific
24 approval of the Legislature.

25 (3) No facility may be acquired or constructed by a
26 community college or its direct-support organization if such
27 facility requires general revenue funds for operation or
28 maintenance upon project completion or in subsequent years of
29 operation, unless prior approval is received from the
30 Legislature.

31 Section 840. Section 1013.41, Florida Statutes, is

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1 created to read:

2 1013.41 SMART schools; Classrooms First; legislative
3 purpose.--

4 (1) SMART SCHOOLS.--"SMART schools" are schools that
5 are soundly made, accountable, reasonable, and thrifty. It is
6 the purpose of the Legislature to provide a balanced and
7 principle-based plan for a functional, safe, adequate, and
8 thrifty learning environment for Florida's K-12 students
9 through SMART schools. The plan must be balanced in serving
10 all school districts and must also be balanced between the
11 operating and capital sides of the budget. The principles upon
12 which the plan is based are less government, lower taxes,
13 increased responsibility of school districts, increased
14 freedom through local control, and family and community
15 empowerment.

16 (2) CLASSROOMS FIRST.--It is the purpose of the
17 Legislature to substantially increase the state's investment
18 in school construction in an equitable, fair, and reasonable
19 way.

20 (3) SCHOOL DISTRICT FACILITIES WORK PROGRAMS.--It is
21 the purpose of the Legislature to create s. 1013.35, requiring
22 each school district annually to adopt a district facilities
23 5-year work program. The purpose of the district facilities
24 work program is to keep the district school board and the
25 public fully informed as to whether the district is using
26 sound policies and practices that meet the essential needs of
27 students and that warrant public confidence in district
28 operations. The district facilities work program will be
29 monitored by the Office of Educational Facilities and SMART
30 Schools Clearinghouse, which will also apply performance
31 standards pursuant to s. 1013.04.

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1 (4) OFFICE OF EDUCATIONAL FACILITIES AND SMART SCHOOLS
2 CLEARINGHOUSE.--It is the purpose of the Legislature to create
3 s. 1013.05, establishing the Office of Educational Facilities
4 and SMART Schools Clearinghouse to assist the school districts
5 in building SMART schools utilizing functional and frugal
6 practices. The Office of Educational Facilities and SMART
7 Schools Clearinghouse must review district facilities work
8 programs and projects and identify districts qualified for
9 incentive funding available through School Infrastructure
10 Thrift Program awards; identify opportunities to maximize
11 design and construction savings; develop school district
12 facilities work program performance standards; and provide for
13 review and recommendations to the Governor, the Legislature,
14 and the State Board of Education.

15 (5) EFFORT INDEX GRANTS.--It is the purpose of the
16 Legislature to create s. 1013.73, in order to provide grants
17 from state funds to assist school districts that have provided
18 a specified level of local effort funding.

19 (6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM
20 AWARDS.--It is the purpose of the Legislature to convert the
21 SIT Program established in ss. 1013.42 and 1013.72 to an
22 incentive award program to encourage functional, frugal
23 facilities and practices.

24 Section 841. Section 1013.42, Florida Statutes, is
25 created to read:

26 1013.42 School Infrastructure Thrift (SIT) Program
27 Act.--

28 (1) This section and s. 1013.72 may be cited as the
29 "School Infrastructure Thrift Program Act."

30 (2) The School Infrastructure Thrift (SIT) Program is
31 established within the Department of Education, and the State

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1 Board of Education may adopt rules as necessary to operate the
2 program. To facilitate the program's purposes, the department
3 shall aggressively seek the elimination or revision of
4 obsolete, excessively restrictive, or unnecessary laws, rules,
5 and regulations for the purpose of reducing the cost of
6 constructing educational facilities and related costs without
7 sacrificing safety or quality of construction. Such efforts
8 must include, but are not limited to, the elimination of
9 duplicate or overlapping inspections; the relaxation of
10 requirements relating to the life cycle of buildings,
11 landscaping, operable glazing, operable windows, radon
12 testing, and firesafety when lawful, safe, and
13 cost-beneficial; and other cost savings identified as lawful,
14 safe, and cost-beneficial.

15 (3) The SIT Program is designed as:

16 (a) An incentive program to reward districts for
17 savings realized through functional, frugal construction.

18 (b) A recognition program to provide an annual SMART
19 school of the year recognition award to the district that
20 builds the highest quality functional, frugal school.

21 (4) Funds shall be appropriated to the SIT Program on
22 an annual basis as determined by the Legislature.

23 Notwithstanding the provisions of s. 216.301 and pursuant to
24 s. 216.351, undisbursed balances of appropriations to the SIT
25 Program shall not revert. It is the intent of the Legislature
26 to continue funding the SIT Program with funds available
27 through frugal government operation and agency savings.

28 (5) Participating school districts may seek SIT
29 Program awards beginning July 1, 1997, for projects commenced
30 after or for projects underway at that time, if the projects
31 comply with s. 1013.72.

1535

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1 (6)(a) Each school district may submit to the Office
2 of Educational Facilities and SMART Schools Clearinghouse,
3 with supporting data, its request, based on eligibility
4 pursuant to s. 1013.72 for an award of SIT Program dollars.

5 (b) The Office of Educational Facilities and SMART
6 Schools Clearinghouse shall examine the supporting data from
7 each school district and shall report to the commissioner each
8 district's eligibility pursuant to s. 1013.72. Based on the
9 office's report and pursuant to ss. 1013.04 and 1013.05, the
10 office shall make recommendations, ranked in order of
11 priority, for SIT Program awards.

12 (c) The criteria for SIT Program evaluation and
13 recommendation for awards must be based on the school
14 district's eligibility pursuant to s. 1013.72 and the balance
15 of dollars in the SIT Program.

16 (7) Awards from the SIT Program shall be made by the
17 commissioner from funds appropriated by the Legislature. An
18 award funded by an appropriation from the General Revenue Fund
19 may be used for any lawful capital outlay expenditure. An
20 award funded by an appropriation of the proceeds of bonds
21 issued pursuant to s. 1013.70 may be used only for bondable
22 capital outlay projects.

23 Section 842. Section 1013.43, Florida Statutes, is
24 created to read:

25 1013.43 Small school requirement.--

26 (1) LEGISLATIVE FINDINGS.--The Legislature finds that:

27 (a) Florida's schools are among the largest in the
28 nation.

29 (b) Smaller schools provide benefits of reduced
30 discipline problems and crime, reduced truancy and gang
31 participation, reduced dropout rates, improved teacher and

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1 student attitudes, improved student self-perception, student
2 academic achievement equal to or superior to that of students
3 at larger schools, and increased parental involvement.

4 (c) Smaller schools can provide these benefits while
5 not increasing administrative and construction costs.

6 (2) DEFINITION.--As used in this section, "small
7 school" means:

8 (a) An elementary school with a student population of
9 not more than 500 students.

10 (b) A middle school with a student population of not
11 more than 700 students.

12 (c) A high school with a student population of not
13 more than 900 students.

14 (d) A school serving kindergarten through grade 8 with
15 a student population of not more than 700 students.

16 (e) A school serving kindergarten through grade 12
17 with a student population of not more than 900 students.

18
19 A school on a single campus which operates as a
20 school-within-a-school, as defined by s. 1003.02(4), shall be
21 considered a small school if each smaller unit located on the
22 single campus meets the requirements of this subsection.

23 (3) REQUIREMENTS.--

24 (a) Beginning July 1, 2003, all plans for new
25 educational facilities to be constructed within a school
26 district and reflected in the 5-year school district
27 facilities work plan shall be plans for small schools in order
28 to promote increased learning and more effective use of school
29 facilities.

30 (b) Small schools shall comply with all laws, rules,
31 and court orders relating to racial balance.

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1 (4) EXCEPTIONS.--This section does not apply to plans
2 for new educational facilities already under architectural
3 contract on July 1, 2003.

4 Section 843. Section 1013.44, Florida Statutes, is
5 created to read:

6 1013.44 Low-energy use design; solar energy systems;
7 swimming pool heaters.--

8 (1)(a) Passive design elements and low-energy usage
9 features shall be included in the design and construction of
10 new educational facilities. Operable glazing consisting of at
11 least 5 percent of the floor area shall be placed in each
12 classroom located on the perimeter of the building. For a
13 relocatable classroom, the area of operable glazing and the
14 area of exterior doors, together, shall consist of at least 5
15 percent of the floor area. Operable glazing is not required in
16 community colleges, auxiliary facilities, music rooms, gyms,
17 locker and shower rooms, special laboratories requiring
18 special climate control, and large group instruction areas
19 having a capacity of more than 100 persons.

20 (b) In the remodeling and renovation of educational
21 facilities which have existing natural ventilation, adequate
22 sources of natural ventilation shall be retained, or a
23 combination of natural and low-energy usage mechanical
24 equipment shall be provided that will permit the use of the
25 facility without air-conditioning or heat when ambient
26 conditions are moderate. However, the Commissioner of
27 Education is authorized to waive this requirement when
28 environmental conditions, particularly noise and pollution
29 factors, preclude the effective use of natural ventilation.

30 (2) Each new educational facility for which the
31 projected demand for hot water exceeds 1,000 gallons a day

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1 shall be constructed, whenever economically and physically
2 feasible, with a solar energy system as the primary energy
3 source for the domestic hot water system of the facility. The
4 solar energy system shall be sized so as to provide at least
5 65 percent of the estimated needs of the facility. Sizing
6 shall be determined by generally recognized simulation models,
7 such as F-chart and SOLCOST, or by sizing tables generated by
8 the Florida Solar Energy Center.

9 (3) If swimming and wading pools constructed as an
10 integral part of an educational facility or plant are heated,
11 such pools shall, whenever feasible, be heated by either a
12 waste heat recovery system or a solar energy system.

13 Section 844. Section 1013.45, Florida Statutes, is
14 created to read:

15 1013.45 Educational facilities contracting and
16 construction techniques.--

17 (1) Boards may employ procedures to contract for
18 construction of new facilities, or major additions to existing
19 facilities, that will include, but not be limited to:

20 (a) Competitive bids.

21 (b) Design-build pursuant to s. 287.055.

22 (c) Selecting a construction management entity,
23 pursuant to the process provided by s. 287.055, that would be
24 responsible for all scheduling and coordination in both design
25 and construction phases and is generally responsible for the
26 successful, timely, and economical completion of the
27 construction project. The construction management entity must
28 consist of or contract with licensed or registered
29 professionals for the specific fields or areas of construction
30 to be performed, as required by law. At the option of the
31 board, the construction management entity, after having been

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1 selected, may be required to offer a guaranteed maximum price
2 or a guaranteed completion date; in which case, the
3 construction management entity must secure an appropriate
4 surety bond pursuant to s. 255.05 and must hold construction
5 subcontracts. The criteria for selecting a construction
6 management entity shall not unfairly penalize an entity that
7 has relevant experience in the delivery of construction
8 projects of similar size and complexity by methods of delivery
9 other than construction management.

10 (d) Selecting a program management entity, pursuant to
11 the process provided by s. 287.055, that would act as the
12 agent of the board and would be responsible for schedule
13 control, cost control, and coordination in providing or
14 procuring planning, design, and construction services. The
15 program management entity must consist of or contract with
16 licensed or registered professionals for the specific areas of
17 design or construction to be performed as required by law. The
18 program management entity may retain necessary design
19 professionals selected under the process provided in s.
20 287.055. At the option of the board, the program management
21 entity, after having been selected, may be required to offer a
22 guaranteed maximum price or a guaranteed completion date, in
23 which case, the program management entity must secure an
24 appropriate surety bond pursuant to s. 255.05 and must hold
25 design and construction subcontracts. The criteria for
26 selecting a program management entity shall not unfairly
27 penalize an entity that has relevant experience in the
28 delivery of construction programs of similar size and
29 complexity by methods of delivery other than program
30 management.

31 (e) Day-labor contracts not exceeding \$200,000 for

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1 construction, renovation, remodeling, or maintenance of
2 existing facilities.

3 (2) For the purposes of this section, "day-labor
4 contract" means a project constructed using persons employed
5 directly by a board or by contracted labor.

6 (3) Contractors, design-build firms, contract
7 management entities, program management entities, or any other
8 person under contract to construct facilities or major
9 additions to facilities may use any construction techniques
10 allowed by contract and not prohibited by law, including, but
11 not limited to, those techniques known as fast-track
12 construction scheduling, use of components, and systems
13 building process.

14 (4) Except as otherwise provided in this section and
15 s. 481.229, the services of a registered architect must be
16 used for the development of plans for the erection,
17 enlargement, or alteration of any educational facility. The
18 services of a registered architect are not required for a
19 minor renovation project for which the construction cost is
20 less than \$50,000 or for the placement or hookup of
21 relocatable educational facilities that conform with standards
22 adopted under s. 1013.37. However, boards must provide
23 compliance with building code requirements and ensure that
24 these structures are adequately anchored for wind resistance
25 as required by law. Boards are encouraged to consider the
26 reuse of existing construction documents or design criteria
27 packages where such reuse is feasible and practical.
28 Notwithstanding s. 287.055, a board may purchase the
29 architectural services for the design of educational or
30 ancillary facilities under an existing contract agreement for
31 professional services held by a district school board in the

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1 State of Florida, provided that the purchase is to the
2 economic advantage of the purchasing board, the services
3 conform to the standards prescribed by rules of the State
4 Board of Education, and such reuse is not without notice to,
5 and permission from, the architect of record whose plans or
6 design criteria are being reused. Plans shall be reviewed for
7 compliance with the state requirements for educational
8 facilities. Rules adopted under this section must establish
9 uniform prequalification, selection, bidding, and negotiation
10 procedures applicable to construction management contracts and
11 the design-build process. This section does not supersede any
12 small, woman-owned or minority-owned business enterprise
13 preference program adopted by a board. Except as otherwise
14 provided in this section, the negotiation procedures
15 applicable to construction management contracts and the
16 design-build process must conform to the requirements of s.
17 287.055. A board may not modify any rules regarding
18 construction management contracts or the design-build process.

19 Section 845. Part III.c. of chapter 1013, Florida
20 Statutes, shall be entitled "Contracting for Educational
21 Facilities" and shall consist of ss. 1013.46-1013.51.

22 Section 846. Section 1013.46, Florida Statutes, is
23 created to read:

24 1013.46 Advertising and awarding contracts;
25 prequalification of contractor.--

26 (1)(a) As soon as practicable after any bond issue has
27 been voted upon and authorized or funds have been made
28 available for the construction, remodeling, renovation,
29 demolition, or otherwise for the improvement, of any
30 educational or ancillary plant, and after plans for the work
31 have been approved, the board, if competitively bidding the

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1 project pursuant to s. 1013.45, after advertising the same in
2 the manner prescribed by law or rule, shall award the contract
3 for the building or improvements to the lowest responsible
4 bidder. However, if after taking all deductive alternates, the
5 bid of the lowest responsible bidder exceeds the construction
6 budget for the project established at the phase III submittal,
7 the board may declare an emergency. After stating the reasons
8 why an emergency exists, the board may negotiate the
9 construction contract or modify the contract, including the
10 specifications, with the lowest responsible bidder and, if the
11 contract is modified, shall resubmit the documents to the
12 authorized review authority for review to confirm that the
13 project remains in compliance with building and fire codes.
14 The board may reject all bids received and may readvertise,
15 calling for new bids.

16 (b) Each board may declare an emergency pursuant to
17 this subsection. A situation created by fire, storm, or other
18 providential cause resulting in:

19 1. Imminent danger to life or safety; or

20 2. Overcrowding of students

21
22 constitutes an emergency.

23 (c) As an option, any county, municipality, or board
24 may set aside up to 10 percent of the total amount of funds
25 allocated for the purpose of entering into construction
26 capital project contracts with minority business enterprises,
27 as defined in s. 287.094. Such contracts shall be
28 competitively bid only among minority business enterprises.
29 The set-aside shall be used to redress present effects of past
30 discriminatory practices and shall be subject to periodic
31 reassessment to account for changing needs and circumstances.

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1 (2) Boards shall prequalify bidders for construction
2 contracts according to rules prescribed by the State Board of
3 Education which require the prequalification of bidders of
4 educational facilities construction. Boards shall require that
5 all construction or capital improvement bids be accompanied by
6 evidence that the bidder holds an appropriate certificate or
7 license or that the prime contractor has a current valid
8 license.

9 Section 847. Section 1013.47, Florida Statutes, is
10 created to read:

11 1013.47 Substance of contract; contractors to give
12 bond; penalties.--Each board shall develop contracts
13 consistent with this chapter and statutes governing public
14 facilities. Such a contract must contain the drawings and
15 specifications of the work to be done and the material to be
16 furnished, the time limit in which the construction is to be
17 completed, the time and method by which payments are to be
18 made upon the contract, and the penalty to be paid by the
19 contractor for any failure to comply with the terms of the
20 contract. The board may require the contractor to pay a
21 penalty for any failure to comply with the terms of the
22 contract and may provide an incentive for early completion.
23 Upon accepting a satisfactory bid, the board shall enter into
24 a contract with the party or parties whose bid has been
25 accepted. The contractor shall furnish the board with a
26 performance and payment bond as set forth in s. 255.05. A
27 board or other public entity may not require a contractor to
28 secure a surety bond under s. 255.05 from a specific agent or
29 bonding company. Notwithstanding any other provision of this
30 section, if 25 percent or more of the costs of any
31 construction project is paid out of a trust fund established

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1 pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics
2 employed by contractors or subcontractors on such construction
3 will be paid wages not less than those prevailing on similar
4 construction projects in the locality, as determined by the
5 Secretary of Labor in accordance with the Davis-Bacon Act, as
6 amended. A person, firm, or corporation that constructs any
7 part of any educational plant, or addition thereto, on the
8 basis of any unapproved plans or in violation of any plans
9 approved in accordance with the provisions of this chapter and
10 rules of the State Board of Education relating to building
11 standards or specifications is subject to forfeiture of bond
12 and unpaid compensation in an amount sufficient to reimburse
13 the board for any costs that will need to be incurred in
14 making any changes necessary to assure that all requirements
15 are met and is also guilty of a misdemeanor of the second
16 degree, punishable as provided in s. 775.082 or s. 775.083,
17 for each separate violation.

18 Section 848. Section 1013.48, Florida Statutes, is
19 created to read:

20 1013.48 Changes in construction requirements after
21 award of contract.--The board may, at its option and by
22 written policy duly adopted and entered in its official
23 minutes, authorize the superintendent or president or other
24 designated individual to approve change orders in the name of
25 the board for preestablished amounts. Approvals shall be for
26 the purpose of expediting the work in progress and shall be
27 reported to the board and entered in its official minutes. For
28 accountability, the school district shall monitor and report
29 the impact of change orders on its district facilities work
30 program pursuant to s. 1013.35.

31 Section 849. Section 1013.49, Florida Statutes, is

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1 created to read:

2 1013.49 Toxic substances in construction, repair, or
3 maintenance of educational facilities.--

4 (1) All toxic substances enumerated in the Florida
5 Substance List established pursuant to s. 442.103 that are to
6 be used in the construction, repair, or maintenance of
7 educational facilities have restricted usage provisions.

8 (2) Before any such substance may be used, the
9 contractor shall notify the district school superintendent or
10 public postsecondary institution president in writing at least
11 three working days prior to using the substance. The
12 notification shall contain:

- 13 (a) The name of the substance to be used;
14 (b) Where the substance is to be used; and
15 (c) When the substance is to be used.

16
17 A copy of a material safety data sheet as defined in s.
18 442.102 shall be attached to the notification for each such
19 substance.

20 Section 850. Section 1013.50, Florida Statutes, is
21 created to read:

22 1013.50 Final payment to contractor.--

23 (1) The final payment to the contractor shall not be
24 made until the construction project has been inspected by the
25 architect or other person designated by the board for that
26 purpose and until he or she has issued a written certificate
27 that the project has been constructed in accordance with the
28 approved plans and specifications and approved change orders
29 and until the board, acting on these recommendations, has
30 accepted the project. After acceptance by the board, a
31 duplicate copy of this written certificate, duly certified as

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1 having been accepted by the board, as well as other related
2 data on contract costs and total costs per student station,
3 space inventory update, and other related building information
4 must be filed with the department for budget and cost
5 reporting purposes.

6 (2) Boards shall have full authority and
7 responsibility for all decisions regarding educational and
8 ancillary plant construction contracts, change orders, and
9 payments.

10 Section 851. Section 1013.51, Florida Statutes, is
11 created to read:

12 1013.51 Expenditures authorized for certain
13 infrastructure.--

14 (1)(a) Subject to exemption from the assessment of
15 fees pursuant to s. 1013.37(1), education boards, boards of
16 county commissioners, municipal boards, and other agencies and
17 boards of the state may expend funds, separately or
18 collectively, by contract or agreement, for the placement,
19 paving, or maintaining of any road, byway, or sidewalk if the
20 road, byway, or sidewalk is contiguous to or runs through the
21 property of any educational plant or for the maintenance or
22 improvement of the property of any educational plant or of any
23 facility on such property. Expenditures may also be made for
24 sanitary sewer, water, stormwater, and utility improvements
25 upon, or contiguous to, and for the installation, operation,
26 and maintenance of traffic control and safety devices upon, or
27 contiguous to, any existing or proposed educational plant.

28 (b) A board may pay its proportionate share of the
29 cost of onsite and offsite system improvements necessitated by
30 the educational facility development, but a board is not
31 required to pay for or install any improvements that exceed

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1 those required to meet the onsite and offsite needs of a new
2 public educational facility or an expanded site. Development
3 exactions assessed against school boards or community college
4 districts may not exceed the proportionate share of the cost
5 of system improvements necessitated by the educational
6 facility development and may not address existing facility or
7 service backlogs or deficits.

8 (c) The boards of county commissioners, municipal
9 boards, and other agencies and boards of the state may plant
10 or maintain trees, flowers, shrubbery, and beautifying plants
11 upon the grounds of any educational plant, upon approval of
12 the superintendent or president or the designee of either of
13 them. Payment by a board for any improvement set forth in this
14 section shall be authorized in any amounts agreed to by the
15 board. Any payments so authorized to be made are not mandatory
16 unless the specific improvement and costs have been agreed to
17 prior to the improvement's being made.

18 (2) The provisions of any law, municipal ordinance, or
19 county ordinance to the contrary notwithstanding, the
20 provisions of this section regulate the levying of assessments
21 for special benefits on school or community college districts
22 and the directing of the payment thereof. Any municipal
23 ordinance or county ordinance making provision to the contrary
24 is void.

25 (3) Notwithstanding any other law, if a board agrees
26 to construct or upgrade water or sewer facilities, or
27 otherwise provide, construct, upgrade, or maintain offsite
28 infrastructure beyond its proportionate share of
29 responsibility, the local government that issues development
30 approvals shall assure that the board is reimbursed for the
31 additional costs incurred, to the extent that other

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1 development occurs which demands use of such infrastructure.

2 (4) Expenditure for infrastructure for universities
3 shall be as authorized in s. 1013.30.

4 Section 852. Part III.d. of chapter 1013, Florida
5 Statutes, shall be entitled "Cooperative Development of
6 Educational Facilities" and shall consist of ss.
7 1013.52-1013.54.

8 Section 853. Section 1013.52, Florida Statutes, is
9 created to read:

10 1013.52 Cooperative development and joint use of
11 facilities by two or more boards.--

12 (1) Two or more boards, including district school
13 boards, community college boards of trustees, the Board of
14 Trustees for the Florida School for the Deaf and the Blind,
15 and university boards of trustees, desiring to cooperatively
16 establish a common educational facility to accommodate
17 students shall:

18 (a) Jointly request a formal assessment by the
19 Commissioner of Education of the academic program need and the
20 need to build new joint-use facilities to house approved
21 programs. Completion of the assessment and approval of the
22 project by the State Board of Education or the Commissioner of
23 Education, as appropriate, should be done prior to conducting
24 an educational facilities survey.

25 (b) Demonstrate the need for construction of new
26 joint-use facilities involving postsecondary institutions by
27 those institutions presenting evidence of the presence of
28 sufficient actual full-time equivalent enrollments in the
29 locale in leased, rented, or borrowed spaces to justify the
30 requested facility for the programs identified in the formal
31 assessment rather than using projected or anticipated future

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1 full-time equivalent enrollments as justification. If the
2 decision is made to construct new facilities to meet this
3 demonstrated need, then building plans should consider
4 full-time equivalent enrollment growth facilitated by this new
5 construction and subsequent new program offerings made
6 possible by the existence of the new facilities.

7 (c) Adopt and submit to the commissioner a joint
8 resolution of the participating boards indicating their
9 commitment to the utilization of the requested facility and
10 designating the locale of the proposed facility. The joint
11 resolution shall contain a statement of determination by the
12 participating boards that alternate options, including the use
13 of leased, rented, or borrowed space, were considered and
14 found less appropriate than construction of the proposed
15 facility. The joint resolution shall contain assurance that
16 the development of the proposed facility has been examined in
17 conjunction with the programs offered by neighboring public
18 educational facilities offering instruction at the same level.
19 The joint resolution also shall contain assurance that each
20 participating board shall provide for continuity of
21 educational progression. All joint resolutions shall be
22 submitted to the commissioner by August 1 for consideration of
23 funding by the subsequent Legislature.

24 (d) Submit requests for funding of joint-use
25 facilities projects involving state universities and community
26 colleges for approval by the Commissioner of Education. The
27 Commissioner of Education shall determine the priority for
28 funding these projects in relation to the priority of all
29 other capital outlay projects under their consideration. To be
30 eligible for funding from the Public Education Capital Outlay
31 and Debt Service Trust Fund under the provisions of this

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1 section, projects involving both state universities and
2 community colleges shall appear on the 3-year capital outlay
3 priority lists of community colleges and of universities
4 required by s. 1013.64. Projects involving a state university,
5 community college, and a public school, and in which the
6 larger share of the proposed facility is for the use of the
7 state university or the community college, shall appear on the
8 3-year capital outlay priority lists of the community colleges
9 or of the universities, as applicable.

10 (e) Include in their joint resolution for the
11 joint-use facilities, comprehensive plans for the operation
12 and management of the facility upon completion. Institutional
13 responsibilities for specific functions shall be identified,
14 including designation of one participating board as sole owner
15 of the facility. Operational funding arrangements shall be
16 clearly defined.

17 (2) An educational plant survey must be conducted
18 within 90 days after submission of the joint resolution and
19 substantiating data describing the benefits to be obtained,
20 the programs to be offered, and the estimated cost of the
21 proposed project. Upon completion of the educational plant
22 survey, the participating boards may include the recommended
23 projects in their plan as provided in s. 1013.31. Upon
24 approval of the project by the commissioner, 25 percent of the
25 total cost of the project, or the pro rata share based on
26 space utilization of 25 percent of the cost, must be included
27 in the department's legislative capital outlay budget request
28 as provided in s. 1013.60 for educational plants. The
29 participating boards must include in their joint resolution a
30 commitment to finance the remaining funds necessary to
31 complete the planning, construction, and equipping of the

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1 facility. Funds from the Public Education Capital Outlay and
2 Debt Service Trust Fund may not be expended on any project
3 unless specifically authorized by the Legislature.

4 (3) Included in all proposals for joint-use facilities
5 must be documentation that the proposed new campus or new
6 joint-use facility has been reviewed by the State Board of
7 Education and has been formally requested for authorization by
8 the Legislature.

9 (4) No district school board, community college, or
10 state university shall receive funding for more than one
11 approved joint-use facility per campus in any 3-year period.

12 Section 854. Section 1013.53, Florida Statutes, is
13 created to read:

14 1013.53 Cooperative development of educational
15 facilities in juvenile justice programs.--

16 (1) The Department of Juvenile Justice shall provide
17 early notice to school districts regarding the siting of new
18 juvenile justice facilities. School districts shall include
19 the projected number of students in the districts' annual
20 estimates. School districts must be consulted regarding the
21 types of students expected to be assigned to commitment
22 facilities for education planning and budgeting purposes.

23 (2) The Department of Juvenile Justice shall notify,
24 in writing, the Department of Education when a request for
25 proposals is issued for the construction or operation of a
26 commitment or detention facility anywhere in the state. The
27 Department of Juvenile Justice shall notify, in writing, the
28 appropriate school district when a request for proposals is
29 issued for the construction or operation of a commitment or
30 detention facility when a county or site is specifically
31 identified.

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1 (3) The Department of Juvenile Justice shall also
2 notify the district school superintendent within 30 days
3 after:

4 (a) The award of a contract for the construction or
5 operation of a commitment or detention facility within that
6 school district.

7 (b) Obtaining a permit to begin construction of a new
8 detention or commitment facility within that school district.

9 Section 855. Section 1013.54, Florida Statutes, is
10 created to read:

11 1013.54 Cooperative development and use of satellite
12 facilities by private industry and district school boards.--

13 (1) Each district school board may submit, prior to
14 August 1 of each year, a request to the commissioner for funds
15 from the Public Education Capital Outlay and Debt Service
16 Trust Fund to construct, remodel, or renovate an educational
17 facility within the industrial environment. No district school
18 board may apply for more than one facility per year. Such
19 request shall contain the following provisions:

20 (a) A detailed description of the satellite site, the
21 site development necessary for new construction, remodeling,
22 or renovation for the accomplishment of the project, and the
23 facility to be constructed. The facility shall be located on a
24 site owned by the business and leased to the district school
25 board at no cost. However, the minimum agreement shall be for
26 a period of at least 5 years. The amounts provided by the
27 state and the district school board shall be considered full
28 consideration for the lease. If the lease agreement is
29 terminated early, the business shall reimburse the district
30 school board an amount determined by multiplying the amounts
31 contributed by the district school board and the state by a

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1 fraction the numerator of which is the number of months
2 remaining in the original agreement and the denominator of
3 which is the total number of months of the agreement.

4 (b) A detailed description and analysis of the
5 educational programs to be offered and the benefits that will
6 accrue to the students through the instructional programs upon
7 completion of the facility.

8 (c) The estimated number of full-time students whose
9 regularly scheduled daily instructional program will utilize
10 the facility.

11 (d) The estimated cost of the facility and site
12 development not to exceed the department's average cost of new
13 construction adjusted to the respective county cost index. If
14 a site must be acquired, the estimated cost of the site shall
15 be provided.

16 (e) A resolution or other appropriate indication of
17 intent to participate in the funding and utilization of the
18 educational facility from private industry. Such indication
19 shall include a commitment by private industry to provide at
20 least one-half of the cost of the facility. The district
21 school board shall provide one-fourth of the cost of the
22 facility and, if approved, the state shall provide one-fourth
23 of the cost of the facility. Funds from the Public Education
24 Capital Outlay and Debt Service Trust Fund may not be expended
25 on any project unless specifically authorized by the
26 Legislature.

27 (f) The designation as to which agency is to assume
28 responsibility for the operation, maintenance, and control of
29 the proposed facility.

30 (g) Documentation by the district school board that a
31 long-term lease for the use of the educational facility for a

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1 period of not less than 40 years or the life expectancy of the
2 permanent facility constructed thereon, whichever is longer,
3 has been obtained from private industry.

4 (2) The commissioner shall appoint a review committee
5 to make recommendations and prioritize requests. If the
6 project is approved by the commissioner, the commissioner
7 shall include up to one-fourth of the cost of the project in
8 the legislative capital outlay budget request, as provided in
9 s. 1013.60, for the funding of capital outlay projects
10 involving both educational and private industry. The
11 commissioner shall prioritize any such projects for each
12 fiscal year and, notwithstanding the provisions of s.
13 1013.64(3)(c), limit the recommended state funding amount not
14 to exceed 5 percent off the top of the total funds recommended
15 pursuant to s. 1013.64(2) and (3).

16 (3) Facilities funded pursuant to this section and all
17 existing satellite facilities shall be exempt from ad valorem
18 taxes as long as the facility is used exclusively for public
19 educational purposes.

20 Section 856. Part IV of chapter 1013, Florida
21 Statutes, shall be entitled "Funding for Educational
22 Facilities" and shall consist of ss. 1013.60-1013.82.

23 Section 857. Section 1013.60, Florida Statutes, is
24 created to read:

25 1013.60 Legislative capital outlay budget request.--

26 (1) The Commissioner of Education shall develop a
27 procedure deemed appropriate in arriving at the amounts
28 required to fund projects as reflected in the integrated,
29 comprehensive budget request required by this section. The
30 official estimates for funds accruing to the Public Education
31 Capital Outlay and Debt Service Trust Fund made by the revenue

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1 estimating conference shall be used in determining the budget
2 request pursuant to this section. The commissioner, in
3 consultation with the appropriations committees of the
4 Legislature, shall provide annually an estimate of funds that
5 shall be utilized by community colleges and universities in
6 developing their required 3-year priority lists pursuant to s.
7 1013.64.

8 (2) The commissioner shall submit to the Governor and
9 to the Legislature an integrated, comprehensive budget request
10 for educational facilities construction and fixed capital
11 outlay needs for school districts, community colleges, and
12 universities, pursuant to the provisions of s. 1013.64 and
13 applicable provisions of chapter 216. Each community college
14 board of trustees and each university board of trustees shall
15 submit to the commissioner a 3-year plan and data required in
16 the development of the annual capital outlay budget. No
17 further disbursements shall be made from the Public Education
18 Capital Outlay and Debt Service Trust Fund to a board of
19 trustees that fails to timely submit the required data until
20 such board of trustees submits the data.

21 (3) The commissioner shall submit an integrated,
22 comprehensive budget request to the Executive Office of the
23 Governor and to the Legislature each fiscal year by the
24 submission date specified in s. 216.023(1). Notwithstanding
25 the provisions of s. 216.043, the integrated, comprehensive
26 budget request shall include:

27 (a) Recommendations for the priority of expenditure of
28 funds in the state system of public education, with reasons
29 for the recommended priorities, and other recommendations
30 which relate to the effectiveness of the educational
31 facilities construction program.

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1 (b) All items in s. 1013.64.

2 Section 858. Section 1013.61, Florida Statutes, is
3 created to read:

4 1013.61 Annual capital outlay budget.--Each board
5 shall, each year, adopt a capital outlay budget for the
6 ensuing year in order that the capital outlay needs of the
7 board for the entire year may be well understood by the
8 public. This capital outlay budget shall be a part of the
9 annual budget and shall be based upon and in harmony with the
10 board's capital outlay plan. This budget shall designate the
11 proposed capital outlay expenditures by project for the year
12 from all fund sources. The board may not expend any funds on
13 any project not included in the budget, as amended. Each
14 district school board must prepare its tentative district
15 facilities work program as required by s. 1013.35 before
16 adopting the capital outlay budget.

17 Section 859. Section 1013.62, Florida Statutes, is
18 created to read:

19 1013.62 Charter schools capital outlay funding.--

20 (1) In each year in which funds are appropriated for
21 charter school capital outlay purposes, the Commissioner of
22 Education shall allocate the funds among eligible charter
23 schools. To be eligible for a funding allocation, a charter
24 school must meet the provisions of subsection (6), must have
25 received final approval from its sponsor pursuant to s.
26 1002.33 for operation during that fiscal year, and must serve
27 students in facilities that are not provided by the charter
28 school's sponsor. Prior to the release of capital outlay funds
29 to a school district on behalf of the charter school, the
30 Department of Education shall ensure that the district school
31 board and the charter school governing board enter into a

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1 written agreement that includes provisions for the reversion
2 of any unencumbered funds and all equipment and property
3 purchased with public education funds to the ownership of the
4 district school board, as provided for in subsection (3), in
5 the event that the school terminates operations. Any funds
6 recovered by the state shall be deposited in the General
7 Revenue Fund. A charter school is not eligible for a funding
8 allocation if it was created by the conversion of a public
9 school and operates in facilities provided by the charter
10 school's sponsor for a nominal fee or at no charge or if it is
11 directly or indirectly operated by the school district. Unless
12 otherwise provided in the General Appropriations Act, the
13 funding allocation for each eligible charter school shall be
14 determined by multiplying the school's projected student
15 enrollment by one-fifteenth of the cost-per-student station
16 specified in s. 1013.64(6)(b) for an elementary, middle, or
17 high school, as appropriate. If the funds appropriated are not
18 sufficient, the commissioner shall prorate the available funds
19 among eligible charter schools. Funds shall be distributed on
20 the basis of the capital outlay full-time equivalent
21 membership by grade level, which shall be calculated by
22 averaging the results of the second and third enrollment
23 surveys. The Department of Education shall distribute capital
24 outlay funds monthly, beginning in the first quarter of the
25 fiscal year, based on one-twelfth of the amount the department
26 reasonably expects the charter school to receive during that
27 fiscal year. The commissioner shall adjust subsequent
28 distributions as necessary to reflect each charter school's
29 actual student enrollment as reflected in the second and third
30 enrollment surveys. The commissioner shall establish the
31 intervals and procedures for determining the projected and

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1 actual student enrollment of eligible charter schools.
2 (2) A charter school's governing body may use charter
3 school capital outlay funds for any capital outlay purpose
4 that is directly related to the functioning of the charter
5 school, including the:
6 (a) Purchase of real property.
7 (b) Construction, renovation, repair, and maintenance
8 of school facilities.
9 (c) Purchase, lease-purchase, or lease of permanent or
10 relocatable school facilities.
11 (d) Purchase of vehicles to transport students to and
12 from the charter school.
13 (3) When a charter school is nonrenewed or terminated,
14 any unencumbered funds and all equipment and property
15 purchased with district public funds shall revert to the
16 ownership of the district school board, as provided for in s.
17 1002.33(8)(e) and (f). In the case of a charter lab school,
18 any unencumbered funds and all equipment and property
19 purchased with university public funds shall revert to the
20 ownership of the state university that issued the charter. The
21 reversion of such equipment, property, and furnishings shall
22 focus on recoverable assets, but not on intangible or
23 irrecoverable costs such as rental or leasing fees, normal
24 maintenance, and limited renovations. The reversion of all
25 property secured with public funds is subject to the complete
26 satisfaction of all lawful liens or encumbrances. If there are
27 additional local issues such as the shared use of facilities
28 or partial ownership of facilities or property, these issues
29 shall be agreed to in the charter contract prior to the
30 expenditure of funds.
31 (4) The Commissioner of Education shall specify

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1 procedures for submitting and approving requests for funding
2 under this section and procedures for documenting
3 expenditures.

4 (5) The annual legislative budget request of the
5 Department of Education shall include a request for capital
6 outlay funding for charter schools. The request shall be based
7 on the projected number of students to be served in charter
8 schools who meet the eligibility requirements of this section.
9 A dedicated funding source, if identified in writing by the
10 Commissioner of Education and submitted along with the annual
11 charter school legislative budget request, may be considered
12 an additional source of funding.

13 (6) Unless authorized otherwise by the Legislature,
14 allocation and proration of charter school capital outlay
15 funds shall be made to eligible charter schools by the
16 Commissioner of Education in an amount and in a manner
17 authorized by subsection (1).

18 Section 860. Section 1013.63, Florida Statutes, is
19 created to read:

20 1013.63 University Concurrency Trust
21 Fund.--Notwithstanding any other provision of law, the general
22 revenue service charge deducted pursuant to s. 215.20 on
23 revenues raised by any local option motor fuel tax levied
24 pursuant to s. 336.025(1)(b), as created by chapter 93-206,
25 Laws of Florida, shall be deposited in the University
26 Concurrency Trust Fund, which is administered by the State
27 Board of Education. Moneys in such trust fund shall be for the
28 purpose of funding university offsite improvements required to
29 meet concurrency standards adopted under part II of chapter
30 163. In addition, in any year in which campus master plans are
31 updated pursuant to s. 1013.30, but no more frequently than

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1 once every 5 years, up to 25 percent of the balance in the
2 trust fund for that year may be used to defray the costs
3 incurred in updating those campus master plans.

4 Section 861. Section 1013.64, Florida Statutes, is
5 created to read:

6 1013.64 Funds for comprehensive educational plant
7 needs; construction cost maximums for school district capital
8 projects.--Allocations from the Public Education Capital
9 Outlay and Debt Service Trust Fund to the various boards for
10 capital outlay projects shall be determined as follows:

11 (1)(a) Funds for remodeling, renovation, maintenance,
12 repairs, and site improvement for existing satisfactory
13 facilities shall be given priority consideration by the
14 Legislature for appropriations allocated to the boards from
15 the total amount of the Public Education Capital Outlay and
16 Debt Service Trust Fund appropriated. These funds shall be
17 calculated pursuant to the following basic formula: the
18 building value times the building age over the sum of the
19 years' digits assuming a 50-year building life. For
20 relocatable facilities, a 20-year life shall be used.

21 "Building value" is calculated by multiplying each building's
22 total assignable square feet times the appropriate
23 net-to-gross conversion rate found in state board rules and
24 that product times the current average new construction cost.

25 "Building age" is calculated by multiplying the prior year's
26 building age times 1 minus the prior year's sum received from
27 this subsection divided by the prior year's building value. To
28 the net result shall be added the number 1. Each board shall
29 receive the percentage generated by the preceding formula of
30 the total amount appropriated for the purposes of this
31 section.

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1 (b) Each board is prohibited from using the funds
2 received pursuant to this section to supplant funds in the
3 current fiscal year approved operating budget, and all
4 budgeted funds shall be expended at a rate not less than would
5 have been expended had the funds under this section not been
6 received.

7 (c) Each remodeling, renovation, maintenance, repair,
8 or site improvement project will expand or upgrade current
9 educational plants to prolong the useful life of the plant.

10 (d) Each board shall maintain fund accounting in a
11 manner which will permit a detailed audit of the funds
12 expended in this program.

13 (e) Remodeling projects shall be based on the
14 recommendations of a survey pursuant to s. 1013.31.

15 (f) At least one-tenth of a board's annual allocation
16 provided under this section shall be spent to correct unsafe,
17 unhealthy, or unsanitary conditions in its educational
18 facilities, as required by s. 1013.12, or a lesser amount
19 sufficient to correct all deficiencies cited in its annual
20 comprehensive safety inspection reports. This paragraph shall
21 not be construed to limit the amount a board may expend to
22 correct such deficiencies.

23 (g) When an existing educational plant is determined
24 to be unsatisfactory pursuant to the survey conducted under s.
25 1013.31, the board may, by resolution, designate the plant as
26 a historic educational facility and may use funds generated
27 for renovation and remodeling pursuant to this section to
28 restore the facility for use by the board. The board shall
29 agree to pay renovation and remodeling costs in excess of
30 funds which such facility would have generated through the
31 depreciation formula in paragraph (a) had the facility been

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1 determined to be satisfactory. The board shall further agree
2 that the plant shall continue to house students. The board may
3 designate a plant as a historic educational facility only if
4 the Division of Historical Resources of the Department of
5 State or the appropriate historic preservation board under
6 chapter 266 certifies that:

7 1. The plant is listed or determined eligible for
8 listing in the National Register of Historic Places pursuant
9 to the National Historic Preservation Act of 1966, as amended,
10 16 U.S.C. s. 470;

11 2. The plant is designated historic within a certified
12 local district pursuant to s. 48(g)(3)(B)(ii) of the Internal
13 Revenue Code; or

14 3. The division or historic preservation board
15 otherwise finds that the plant is historically significant.

16 (h) University boards of trustees may utilize funds
17 appropriated pursuant to this section for replacement of minor
18 facilities provided that such projects do not exceed \$1
19 million in cost or 10,000 gross square feet in size. Minor
20 facilities may not be replaced from funds provided pursuant to
21 this section unless the board determines that the cost of
22 repair or renovation is greater than or equal to the cost of
23 replacement.

24 (2)(a) The department shall establish, as a part of
25 the Public Education Capital Outlay and Debt Service Trust
26 Fund, a separate account, in an amount determined by the
27 Legislature, to be known as the "Special Facility Construction
28 Account." The Special Facility Construction Account shall be
29 used to provide necessary construction funds to school
30 districts which have urgent construction needs but which lack
31 sufficient resources at present, and cannot reasonably

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1 anticipate sufficient resources within the period of the next
2 3 years, for these purposes from currently authorized sources
3 of capital outlay revenue. A school district requesting
4 funding from the Special Facility Construction Account shall
5 submit one specific construction project, not to exceed one
6 complete educational plant, to the Special Facility
7 Construction Committee. No district shall receive funding for
8 more than one approved project in any 3-year period. The first
9 year of the 3-year period shall be the first year a district
10 receives an appropriation. The department shall encourage a
11 construction program that reduces the average size of schools
12 in the district. The request must meet the following criteria
13 to be considered by the committee:

14 1. The project must be deemed a critical need and must
15 be recommended for funding by the Special Facility
16 Construction Committee. Prior to developing plans for the
17 proposed facility, the district school board must request a
18 preapplication review by the Special Facility Construction
19 Committee or a project review subcommittee convened by the
20 committee to include two representatives of the department and
21 two staff from school districts not eligible to participate in
22 the program. Within 60 days after receiving the preapplication
23 review request, the committee or subcommittee must meet in the
24 school district to review the project proposal and existing
25 facilities. To determine whether the proposed project is a
26 critical need, the committee or subcommittee shall consider,
27 at a minimum, the capacity of all existing facilities within
28 the district as determined by the Florida Inventory of School
29 Houses; the district's pattern of student growth; the
30 district's existing and projected capital outlay full-time
31 equivalent student enrollment as determined by the department;

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1 the district's existing satisfactory student stations; the use
2 of all existing district property and facilities; grade level
3 configurations; and any other information that may affect the
4 need for the proposed project.

5 2. The construction project must be recommended in the
6 most recent survey or surveys by the district under the rules
7 of the State Board of Education.

8 3. The construction project must appear on the
9 district's approved project priority list under the rules of
10 the State Board of Education.

11 4. The district must have selected and had approved a
12 site for the construction project in compliance with s.
13 1013.36 and the rules of the State Board of Education.

14 5. The district shall have developed a district school
15 board adopted list of facilities that do not exceed the norm
16 for net square feet occupancy requirements under the State
17 Requirements for Educational Facilities, using all possible
18 programmatic combinations for multiple use of space to obtain
19 maximum daily use of all spaces within the facility under
20 consideration.

21 6. Upon construction, the total cost per student
22 station, including change orders, must not exceed the cost per
23 student station as provided in subsection (6).

24 7. There shall be an agreement signed by the district
25 school board stating that it will advertise for bids within 30
26 days of receipt of its encumbrance authorization from the
27 department.

28 8. The district shall, at the time of the request and
29 for a continuing period of 3 years, levy the maximum millage
30 against their nonexempt assessed property value as allowed in
31 s. 1011.71(2) or shall raise an equivalent amount of revenue

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1 from the school capital outlay surtax authorized under s.
2 212.055(6). Any district with a new or active project, funded
3 under the provisions of this subsection, shall be required to
4 budget no more than the value of 1.5 mills per year to the
5 project to satisfy the annual participation requirement in the
6 Special Facility Construction Account.

7 9. If a contract has not been signed 90 days after the
8 advertising of bids, the funding for the specific project
9 shall revert to the Special Facility New Construction Account
10 to be reallocated to other projects on the list. However, an
11 additional 90 days may be granted by the commissioner.

12 10. The department shall certify the inability of the
13 district to fund the survey-recommended project over a
14 continuous 3-year period using projected capital outlay
15 revenue derived from s. 9(d), Art. XII of the State
16 Constitution, as amended, paragraph (3)(a) of this section,
17 and s. 1011.71(2).

18 11. The district shall have on file with the
19 department an adopted resolution acknowledging its 3-year
20 commitment of all unencumbered and future revenue acquired
21 from s. 9(d), Art. XII of the State Constitution, as amended,
22 paragraph (3)(a) of this section, and s. 1011.71(2).

23 12. Final phase III plans must be certified by the
24 board as complete and in compliance with the building and life
25 safety codes prior to August 1.

26 (b) The Special Facility Construction Committee shall
27 be composed of the following: two representatives of the
28 Department of Education, a representative from the Governor's
29 office, a representative selected annually by the district
30 school boards, and a representative selected annually by the
31 superintendents.

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1 (c) The committee shall review the requests submitted
2 from the districts, evaluate the ability of the project to
3 relieve critical needs, and rank the requests in priority
4 order. This statewide priority list for special facilities
5 construction shall be submitted to the Legislature in the
6 commissioner's annual capital outlay legislative budget
7 request at least 45 days prior to the legislative session.

8 (3)(a) Each district school board shall receive an
9 amount from the Public Education Capital Outlay and Debt
10 Service Trust Fund to be calculated by computing the capital
11 outlay full-time equivalent membership as determined by the
12 department. Such membership must include, but is not limited
13 to:

14 1. K-12 students, except hospital and homebound
15 part-time students; and

16 2. Students who are career and technical education
17 students, and adult disabled students and who are enrolled in
18 school district technical centers. The capital outlay
19 full-time equivalent membership shall be determined for
20 kindergarten through the 12th grade and for technical centers
21 by averaging the unweighted full-time equivalent student
22 membership for the second and third surveys and comparing the
23 results on a school-by-school basis with the Florida Inventory
24 for School Houses. The capital outlay full-time equivalent
25 membership by grade level organization shall be used in making
26 the following calculations: The capital outlay full-time
27 equivalent membership by grade level organization for the 4th
28 prior year must be used to compute the base-year allocation.
29 The capital outlay full-time equivalent membership by
30 grade-level organization for the prior year must be used to
31 compute the growth over the highest of the 3 years preceding

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1 the prior year. From the total amount appropriated by the
2 Legislature pursuant to this subsection, 40 percent shall be
3 allocated among the base capital outlay full-time equivalent
4 membership and 60 percent among the growth capital outlay
5 full-time equivalent membership. The allocation within each of
6 these groups shall be prorated to the districts based upon
7 each district's percentage of base and growth capital outlay
8 full-time membership. The most recent 4-year capital outlay
9 full-time equivalent membership data shall be used in each
10 subsequent year's calculation for the allocation of funds
11 pursuant to this subsection. If a change, correction, or
12 recomputation of data during any year results in a reduction
13 or increase of the calculated amount previously allocated to a
14 district, the allocation to that district shall be adjusted
15 correspondingly. If such recomputation results in an increase
16 or decrease of the calculated amount, such additional or
17 reduced amounts shall be added to or reduced from the
18 district's future appropriations. However, no change,
19 correction, or recomputation of data shall be made subsequent
20 to 2 years following the initial annual allocation.

21 (b) Funds accruing to a district school board from the
22 provisions of this section shall be expended on needed
23 projects as shown by survey or surveys under the rules of the
24 State Board of Education.

25 (c) A district school board may lease relocatable
26 educational facilities for up to 3 years using nonbonded PECO
27 funds and for any time period using local capital outlay
28 millage.

29 (d) Funds distributed to the district school boards
30 shall be allocated solely based on the provisions of
31 paragraphs (1)(a) and (2)(a) and paragraph (a) of this

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1 subsection. No individual school district projects shall be
2 funded off the top of funds allocated to district school
3 boards.
4 (4)(a) Community college boards of trustees and
5 university boards of trustees shall receive funds for projects
6 based on a 3-year priority list, to be updated annually, which
7 is submitted to the Legislature in the legislative budget
8 request at least 90 days prior to the legislative session. The
9 State Board of Education shall submit a 3-year priority list
10 for community colleges and a 3-year priority list for
11 universities. The lists shall reflect decisions by the State
12 Board of Education concerning program priorities that
13 implement the statewide plan for program growth and quality
14 improvement in education. No remodeling or renovation project
15 shall be included on the 3-year priority list unless the
16 project has been recommended pursuant to s. 1013.31 or is for
17 the purpose of correcting health and safety deficiencies. No
18 new construction project shall be included on the first year
19 of the 3-year priority list unless the educational
20 specifications have been approved by the commissioner for a
21 community college or university project, as applicable. The
22 funds requested for a new construction project in the first
23 year of the 3-year priority list shall be in conformance with
24 the scope of the project as defined in the educational
25 specifications. Any new construction project requested in the
26 first year of the 3-year priority list which is not funded by
27 the Legislature shall be carried forward to be listed first in
28 developing the updated 3-year priority list for the subsequent
29 year's capital outlay budget. Should the order of the priority
30 of the projects change from year to year, a justification for
31 such change shall be included with the updated priority list.

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1 (b) Community college boards of trustees and
2 university boards of trustees may lease relocatable
3 educational facilities for up to 3 years using nonbonded PECO
4 funds.

5 (c) Community college boards of trustees and
6 university boards of trustees shall receive funds for
7 remodeling, renovation, maintenance and repairs, and site
8 improvement for existing satisfactory facilities pursuant to
9 subsection (1).

10 (5) District school boards shall identify each fund
11 source and the use of each proportionate to the project cost,
12 as identified in the bid document, to assure compliance with
13 this section. The data shall be submitted to the department,
14 which shall track this information as submitted by the boards.
15 PECO funds shall not be expended as indicated in the
16 following:

17 (a) District school boards shall provide landscaping
18 by local funding sources or initiatives. District school
19 boards are exempt from local landscape ordinances but may
20 comply with the local requirements if such compliance is less
21 costly than compliance with the landscape requirements of the
22 Florida Building Code for public educational facilities.

23 (b) PECO funds shall not be used for the construction
24 of football fields, bleachers, site lighting for athletic
25 facilities, tennis courts, stadiums, racquetball courts, or
26 any other competition-type facilities not required for
27 physical education curriculum. Regional or intradistrict
28 football stadiums may be constructed with these funds provided
29 a minimum of two high schools and two middle schools are
30 assigned to the facility and the stadiums are survey
31 recommended. Sophisticated auditoria shall be limited to

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1 magnet performing arts schools, with all other schools using
2 basic lighting and sound systems as determined by rule. Local
3 funds shall be used for enhancement of athletic and performing
4 arts facilities.

5 (6)(a) Each district school board must meet all
6 educational plant space needs of its elementary, middle, and
7 high schools before spending funds from the Public Education
8 Capital Outlay and Debt Service Trust Fund or the School
9 District and Community College District Capital Outlay and
10 Debt Service Trust Fund for any ancillary plant or any other
11 new construction, renovation, or remodeling of ancillary
12 space. Expenditures to meet such space needs may include
13 expenditures for site acquisition; new construction of
14 educational plants; renovation, remodeling, and maintenance
15 and repair of existing educational plants, including auxiliary
16 facilities; and the directly related costs of such services of
17 school district personnel. It is not the intent of the
18 Legislature to preclude the use of capital outlay funding for
19 the labor costs necessary to accomplish the authorized uses
20 for the capital outlay funding. Day-labor contracts or any
21 other educational facilities contracting and construction
22 techniques pursuant to s. 1013.45 are authorized.
23 Additionally, if a school district has salaried maintenance
24 staff whose duties consist solely of performing the labor
25 necessary to accomplish the authorized uses for the capital
26 outlay funding, such funding may be used for those salaries;
27 however, if a school district has salaried staff whose duties
28 consist partially of performing the labor necessary to
29 accomplish the authorized uses for the capital outlay funding,
30 the district shall prorate the portion of salary of each such
31 employee that is based on labor for authorized capital outlay

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1 funding, and such funding may be used to pay that portion.
2 (b)1. A district school board must not use funds from
3 the Public Education Capital Outlay and Debt Service Trust
4 Fund or the School District and Community College District
5 Capital Outlay and Debt Service Trust Fund for any new
6 construction of educational plant space with a total cost per
7 student station, including change orders, that equals more
8 than:
9 a. \$11,600 for an elementary school,
10 b. \$13,300 for a middle school, or
11 c. \$17,600 for a high school,
12
13 (1997) as adjusted annually by the Consumer Price Index.
14 2. A district school board must not use funds from the
15 Public Education Capital Outlay and Debt Service Trust Fund or
16 the School District and Community College District Capital
17 Outlay and Debt Service Trust Fund for any new construction of
18 an ancillary plant that exceeds 70 percent of the average cost
19 per square foot of new construction for all schools.
20 (c) Except as otherwise provided, new construction
21 initiated by a district school board after June 30, 1997, must
22 not exceed the cost per student station as provided in
23 paragraph (b).
24 (d) The department shall compute for each calendar
25 year the statewide average construction costs for facilities
26 servng each instructional level, for relocatable educational
27 facilities, for administrative facilities, and for other
28 ancillary and auxiliary facilities. The department shall
29 compute the statewide average costs per student station for
30 each instructional level. Cost per student station includes
31 contract costs, legal and administrative costs, fees of

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1 architects and engineers, furniture and equipment, and site
2 improvement costs. Cost per student station does not include
3 the cost of purchasing or leasing the site for the
4 construction or the cost of related offsite improvements.

5 (e) The restrictions of this subsection on the cost
6 per student station of new construction do not apply to a
7 project funded entirely from proceeds received by districts
8 through provisions of ss. 212.055 and 1011.73 and s. 9, Art.
9 VII of the State Constitution, if the school board approves
10 the project by majority vote.

11 Section 862. Section 1013.65, Florida Statutes, is
12 created to read:

13 1013.65 Educational and ancillary plant construction
14 funds; Public Education Capital Outlay and Debt Service Trust
15 Fund; allocation of funds.--

16 (1) The commissioner, through the department, shall
17 administer the Public Education Capital Outlay and Debt
18 Service Trust Fund. The commissioner shall allocate or
19 reallocate funds as authorized by the Legislature. Copies of
20 each allocation or reallocation shall be provided to members
21 of the State Board of Education and to the chairs of the House
22 of Representatives and Senate appropriations committees. The
23 commissioner shall provide for timely encumbrances of funds
24 for duly authorized projects. Encumbrances may include
25 proceeds to be received under a resolution approved by the
26 State Board of Education authorizing the issuance of public
27 education capital outlay bonds pursuant to s. 9(a)(2), Art.
28 XII of the State Constitution, s. 215.61, and other applicable
29 law. The commissioner shall provide for the timely
30 disbursement of moneys necessary to meet the encumbrance
31 authorizations of the boards. Records shall be maintained by

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1 the department to identify legislative appropriations,
2 allocations, encumbrance authorizations, disbursements,
3 transfers, investments, sinking funds, and revenue receipts by
4 source. The Department of Education shall pay the
5 administrative costs of the Public Education Capital Outlay
6 and Debt Service Trust Fund from the funds which comprise the
7 trust fund.

8 (2)(a) The Public Education Capital Outlay and Debt
9 Service Trust Fund shall be comprised of the following
10 sources, which are hereby appropriated to the trust fund:

11 1. Proceeds, premiums, and accrued interest from the
12 sale of public education bonds and that portion of the
13 revenues accruing from the gross receipts tax as provided by
14 s. 9(a)(2), Art. XII of the State Constitution, as amended,
15 interest on investments, and federal interest subsidies.

16 2. General revenue funds appropriated to the fund for
17 educational capital outlay purposes.

18 3. All capital outlay funds previously appropriated
19 and certified forward pursuant to s. 216.301.

20 (b) Any funds required by law to be segregated or
21 maintained in separate accounts shall be segregated or
22 maintained in such manner that the relationship between
23 program and revenue source is retained. Nothing in this
24 subsection shall be construed so as to limit the use by the
25 Public Education Capital Outlay and Debt Service Trust Fund of
26 the resources of funds so segregated or maintained.

27 (3) Upon the request of each board, the department
28 shall distribute to the board an amount sufficient to cover
29 capital outlay disbursements anticipated from encumbrance
30 authorizations for the following month. For projects costing
31 in excess of \$50,000, contracts shall be approved and signed

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1 before any disbursements are authorized.

2 (4) The department may authorize each board to enter
3 into contracts for a period exceeding 1 year, within amounts
4 appropriated and budgeted for fixed capital outlay needs; but
5 any contract so made shall be executory only for the value of
6 the services to be rendered, or agreed to be paid for, in
7 succeeding fiscal years. This subsection shall be incorporated
8 verbatim in all executory contracts of a board.

9 (5) No board shall, during any fiscal year, expend any
10 money, incur any liability, or enter into any contract which,
11 by its terms, involves expenditure of money in excess of the
12 amounts appropriated and budgeted or in excess of the cash
13 that will be available to meet the disbursement requirements.
14 Prior to entering into an executory, or any other, contract, a
15 board shall obtain certification from the department that
16 moneys will be available to meet the disbursement
17 requirements. Any contract, verbal or written, made in
18 violation of this subsection shall be null and void, and no
19 payment shall be made thereon.

20 (6) The State Board of Administration is authorized to
21 invest the trust funds of any state-supported retirement
22 system, and any other state funds available for loans, to the
23 trust fund at a rate of interest that is no less favorable
24 than would have been received had such moneys been invested in
25 accordance with authorized practices.

26 (7) Boards and entities authorized to participate in
27 the trust fund are district school boards, the community
28 college boards of trustees, the Trustees of the Florida School
29 for the Deaf and the Blind, and university boards of trustees
30 and other units of the state system of public education, and
31 other educational entities for which funds are authorized by

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1 the Legislature.

2 (8) The department shall make a monthly report, by
3 project, of requests for encumbrance authorization from each
4 agency. Each project shall be tracked in the following manner:

5 (a) The date the request is received;

6 (b) The anticipated encumbrance date requested by the
7 agency;

8 (c) The date the project is eligible for encumbrance
9 authorization; and

10 (d) The date the encumbrance authorization is issued.

11 (9) The department shall make a monthly report:

12 (a) Showing the amount of cash disbursed to the agency
13 from each appropriated allocation and the amount of cash
14 disbursed by the agency to vendors or contractors from each
15 appropriated allocation, by month.

16 (b) Showing updated adjustments to the budget fiscal
17 year forecast for appropriations, encumbrances, disbursements,
18 and cash available for encumbrance status.

19 Section 863. Section 1013.66, Florida Statutes, is
20 created to read:

21 1013.66 Financing of approved capital projects.--

22 (1) Capital projects are to be financed in accordance
23 with s. 9(a)(2), Art. XII of the State Constitution, as
24 amended, or from other legally available state funds or
25 grants, donations, or matching funds, or by a combination of
26 such funds.

27 (2) The sum designated annually by the Legislature is
28 the maximum sum to be expended from funds accruing under s.
29 9(a)(2), Art. XII of the State Constitution, as amended, and
30 from funds accruing under s. 1013.65(2). However, funds
31 appropriated from this source and remaining unexpended from

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1 previously authorized capital projects, along with grants,
2 donations, and matching funds from other sources, may be added
3 to such maximum sums for any item or category.

4 (3) No transfers between appropriations shall be made
5 without prior approval under the provisions of chapter 216.

6 (4) To the extent that appropriations authority for
7 entitlements from previous years was used for advanced
8 funding, that authority is hereby restored to the projects for
9 which appropriations were made by the Legislature in those
10 previous years.

11 Section 864. Section 1013.67, Florida Statutes, is
12 created to read:

13 1013.67 Commissioner to provide for encumbrances of
14 funds.--The Commissioner of Education shall provide for timely
15 encumbrances of funds for duly authorized projects.
16 Encumbrances may include proceeds to be received under a
17 resolution approved by the State Board of Education
18 authorizing the issuance of 1997 school capital outlay bonds
19 pursuant to s. 11(d), Art. VII of the State Constitution, s.
20 1013.70, and other applicable law.

21 Section 865. Section 1013.68, Florida Statutes, is
22 created to read:

23 1013.68 Classrooms First Program; uses.--

24 (1) The Commissioner of Education shall allocate funds
25 appropriated for the Classrooms First Program among the
26 district school boards. It is the intent of the Legislature
27 that this program be administered as nearly as practicable in
28 the same manner as the capital outlay program authorized under
29 s. 9(d), Art. XII of the State Constitution. Each district
30 school board's share of the annual appropriation for the
31 Classrooms First Program must be calculated according to the

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1 following formula, but the share of each district shall, at a
2 minimum, be at least equal to the amount required for all
3 payments of the district relating to bonds issued by the state
4 on its behalf:

5 (a) Twenty-five percent of the appropriation shall be
6 prorated to the districts based on each district's percentage
7 of base capital outlay full-time equivalent membership; and 65
8 percent shall be based on each district's percentage of growth
9 capital outlay full-time equivalent membership as specified
10 for the allocation of funds from the Public Education Capital
11 Outlay and Debt Service Trust Fund by s. 1013.64(3).

12 (b) Ten percent of the appropriation must be allocated
13 among district school boards according to the allocation
14 formula in s. 1013.64(1)(a).

15 (2) A district school board shall expend the funds
16 received pursuant to this section only to:

17 (a) Construct, renovate, remodel, repair, or maintain
18 educational facilities; or

19 (b) Pay debt service on bonds issued pursuant to this
20 section, the proceeds of which must be expended for new
21 construction, remodeling, renovation, and major repairs. Bond
22 proceeds shall be expended first for providing permanent
23 classroom facilities. Bond proceeds shall not be expended for
24 any other facilities until all unmet needs for permanent
25 classrooms and auxiliary facilities as defined in s. 1013.01
26 have been satisfied.

27
28 However, if more than 9 percent of a district's total square
29 feet is more than 50 years old, the district must spend at
30 least 25 percent of its allocation on the renovation, major
31 repair, or remodeling of existing schools, except that

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1 districts with fewer than 10,000 full-time equivalent students
2 are exempt from this requirement.

3 (3) Each district school board that pledges moneys
4 under paragraph (2)(b) shall notify the Department of
5 Education of its election at a time set by the department. The
6 Department of Education shall review the proposal of each
7 district school board for compliance with this section and
8 shall forward all approved proposals to the Division of Bond
9 Finance with a request to issue bonds on behalf of the
10 approved school districts. The Division of Bond Finance shall
11 pool the pledges from all school districts making the election
12 in that year and shall issue the bonds on behalf of the
13 districts for a period not to exceed the distributions to be
14 received under s. 24.121(2). The bonds must be issued in
15 accordance with s. 11(d), Art. VII of the State Constitution,
16 and each project to be constructed with the proceeds of bonds
17 is hereby approved as provided in s. 11(f), Art. VII of the
18 State Constitution. The bonds shall be issued pursuant to the
19 State Bond Act to the extent not inconsistent with this
20 section.

21 (4) Bonds issued under this section must be validated
22 as prescribed by chapter 75. The complaint for the validation
23 must be filed in the circuit court of the county where the
24 seat of state government is situated; the notice required to
25 be published by s. 75.06 must be published only in the county
26 where the complaint is filed; and the complaint and order of
27 the circuit court must be served only on the state attorney of
28 the circuit in which the action is pending. The state
29 covenants with holders of bonds issued under this section that
30 it will not take any action that will materially and adversely
31 affect the rights of such holders so long as such bonds are

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1 outstanding. The state does hereby additionally authorize the
2 establishment of a covenant in connection with the bonds which
3 provides that any additional funds received by the state from
4 new or enhanced lottery programs, video gaming, or other
5 similar activities will first be available for payments
6 relating to bonds pledging revenues available pursuant to s.
7 24.121(2), prior to use for any other purpose.

8 (5) A school district may only receive a distribution
9 for use pursuant to paragraph (2)(a) if the district school
10 board certifies to the Commissioner of Education that the
11 district has no unmet need for permanent classroom facilities
12 in its 5-year capital outlay work plan. If the work plan
13 contains such unmet needs, the district must use its
14 distribution for the payment of bonds pursuant to paragraph
15 (2)(b). If the district does not require its full bonded
16 distribution to eliminate such unmet need, it may bond only
17 that portion of its allocation necessary to meet the needs.

18 Section 866. Section 1013.69, Florida Statutes, is
19 created to read:

20 1013.69 Full bonding required to participate in
21 programs.--Any district with unused bonding capacity in its
22 Capital Outlay and Debt Service Trust Fund allocation that
23 certifies in its district facilities work program that it will
24 not be able to meet all of its need for new student stations
25 within existing revenues must fully bond its Capital Outlay
26 and Debt Service Trust Fund allocation before it may
27 participate in Classrooms First, the School Infrastructure
28 Thrift (SIT) Program, or the Effort Index Grants Program.

29 Section 867. Section 1013.70, Florida Statutes, is
30 created to read:

31 1013.70 The 1997 School Capital Outlay Bond

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1 Program.--There is hereby established the 1997 School Capital
2 Outlay Bond Program.

3 (1) The issuance of revenue bonds payable from the
4 first lottery revenues transferred to the Educational
5 Enhancement Trust Fund each fiscal year, as provided by s.
6 24.121(2), is authorized to finance or refinance the
7 construction, acquisition, reconstruction, or renovation of
8 educational facilities. Such bonds shall be issued pursuant to
9 and in compliance with the provisions of s. 11(d), Art. VII of
10 the State Constitution, the provisions of the State Bond Act,
11 ss. 215.57-215.83, as amended, and the provisions of this
12 section. The state does hereby covenant with the holders of
13 such revenue bonds that it will not take any action which will
14 materially and adversely affect the rights of such holders so
15 long as bonds authorized by this section are outstanding. The
16 state does hereby additionally authorize the establishment of
17 a covenant in connection with the bonds which provides that
18 any additional funds received by the state from new or
19 enhanced lottery programs, video gaming, or other similar
20 activities will first be available for payments relating to
21 bonds pledging revenues available pursuant to s. 24.121(2),
22 prior to use for any other purpose.

23 (2) The bonds shall be issued by the Division of Bond
24 Finance of the State Board of Administration on behalf of the
25 Department of Education in such amount as shall be requested
26 by resolution of the State Board of Education. However, debt
27 service and other amounts payable with respect to the bonds
28 issued pursuant to this section shall not exceed \$35 million
29 in any state fiscal year.

30 (3) Proceeds available from bond sales shall be
31 deposited in the Educational Enhancement Trust Fund within the

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1 Department of Education.

2 (4) The facilities to be financed with the proceeds of
3 such bonds are designated as state fixed capital outlay
4 projects for purposes of s. 11(d), Art. VII of the State
5 Constitution and the specific facilities to be financed shall
6 be determined by the Department of Education in accordance
7 with state law and appropriations from the Educational
8 Enhancement Trust Fund. Each educational facility to be
9 financed with the proceeds of the bonds issued pursuant to
10 this section is hereby approved as required by s. 11(f), Art.
11 VII of the State Constitution.

12 (5) Bonds issued pursuant to this section shall be
13 validated in the manner provided by chapter 75. The complaint
14 for such validation shall be filed in the circuit court of the
15 county where the seat of state government is situated, the
16 notice required to be published by s. 75.06 shall be published
17 only in the county where the complaint is filed, and the
18 complaint and order of the circuit court shall be served only
19 on the state attorney of the circuit in which the action is
20 pending.

21 Section 868. Section 1013.71, Florida Statutes, is
22 created to read:

23 1013.71 Lottery Capital Outlay and Debt Service Trust
24 Fund.--

25 (1)(a) The Lottery Capital Outlay and Debt Service
26 Trust Fund is hereby created, to be administered by the
27 Department of Education. Funds shall be credited to the trust
28 fund from legislative appropriations and interest earnings.
29 The purpose of the trust fund is to maintain and account for
30 lottery funds appropriated for fixed capital outlay and debt
31 service separately from lottery funds appropriated for current

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1 operations.

2 (b) Notwithstanding the provisions of s. 216.301 and
3 pursuant to s. 216.351, any balance in the trust fund at the
4 end of any fiscal year shall remain in the trust fund and
5 shall be available for carrying out the purposes of the trust
6 fund.

7 (2) Lottery funds appropriated for fixed capital
8 outlay and debt service, along with any interest earned
9 thereon, shall be transferred from the Educational Enhancement
10 Trust Fund to the Lottery Capital Outlay and Debt Service
11 Trust Fund.

12 (3) Pursuant to the provisions of s. 19(f)(3), Art.
13 III of the State Constitution, the trust fund is not subject
14 to termination under s. 19(f)(2), Art. III of the State
15 Constitution.

16 Section 869. Section 1013.72, Florida Statutes, is
17 created to read:

18 1013.72 SIT Program award eligibility; maximum cost
19 per student station of educational facilities; frugality
20 incentives; recognition awards.--

21 (1) It is the intent of the Legislature that district
22 school boards that seek awards of SIT Program funds use due
23 diligence and sound business practices in the design,
24 construction, and use of educational facilities.

25 (2) A school district may seek an award from the SIT
26 Program, pursuant to this section and s. 1013.42, based on the
27 district's new construction of educational facilities if the
28 cost per student station is less than:

29 (a) \$11,600 for an elementary school,

30 (b) \$13,300 for a middle school, or

31 (c) \$17,600 for a high school,

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1
2 (1997) as adjusted annually by the Consumer Price Index. The
3 award shall be up to 50 percent of such savings, as
4 recommended by the Office of Educational Facilities and SMART
5 Schools Clearinghouse.

6 (3) A school district may seek a SMART school of the
7 year recognition award for building the highest quality
8 functional, frugal school. The commissioner may present a
9 trophy or plaque and a cash award to the school recommended by
10 the Office of Educational Facilities and SMART Schools
11 Clearinghouse for a SMART school of the year recognition
12 award.

13 Section 870. Section 1013.73, Florida Statutes, is
14 created to read:

15 1013.73 Effort index grants for school district
16 facilities.--

17 (1) The Legislature hereby allocates for effort index
18 grants the sum of \$300 million from the funds appropriated
19 from the Educational Enhancement Trust Fund by s. 46, chapter
20 97-384, Laws of Florida, contingent upon the sale of school
21 capital outlay bonds. From these funds, the Commissioner of
22 Education shall allocate to the four school districts deemed
23 eligible for an effort index grant by the SMART Schools
24 Clearinghouse the sums of \$7,442,890 to the Clay County School
25 District, \$62,755,920 to the Dade County School District,
26 \$1,628,590 to the Hendry County School District, and \$414,950
27 to the Madison County School District. The remaining funds
28 shall be allocated among the remaining district school boards
29 that qualify for an effort index grant by meeting the local
30 capital outlay effort criteria in paragraph (a) or paragraph
31 (b).

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1 (a) Between July 1, 1995, and June 30, 1999, the
2 school district received direct proceeds from the
3 one-half-cent sales surtax for public school capital outlay
4 authorized by s. 212.055(6) or from the local government
5 infrastructure sales surtax authorized by s. 212.055(2).

6 (b) The school district met two of the following
7 criteria:

8 1. Levied the full 2 mills of nonvoted discretionary
9 capital outlay authorized by s. 1011.71(2) during 1995-1996,
10 1996-1997, 1997-1998, and 1998-1999.

11 2. Levied a cumulative voted millage for capital
12 outlay and debt service equal to 2.5 mills for fiscal years
13 1995 through 1999.

14 3. Received proceeds of school impact fees greater
15 than \$500 per dwelling unit which were in effect on July 1,
16 1998.

17 4. Received direct proceeds from either the
18 one-half-cent sales surtax for public school capital outlay
19 authorized by s. 212.055(6) or from the local government
20 infrastructure sales surtax authorized by s. 212.055(2).

21 (2) It is the intent of the Legislature that this
22 program be administered as nearly as is practicable in the
23 same manner as the capital outlay program authorized under s.
24 9(d), Art. XII of the State Constitution. Each district school
25 board's share of the appropriation for the effort index grants
26 must be calculated according to the following formula using
27 the same basis as the Classrooms First allocation formula, but
28 the share of each district shall, at a minimum, be at least
29 equal to the amount required for all payments of the district
30 relating to bonds issued by the state on its behalf:

31 (a) Twenty-five percent of the appropriation shall be

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1 prorated to the districts based on each district's percentage
2 of base capital outlay full-time-equivalent membership; and 65
3 percent shall be based on each district's percentage of growth
4 capital outlay full-time-equivalent membership as specified
5 for the allocation of funds from the Public Education Capital
6 Outlay and Debt Service Trust Fund by s. 1013.64(3).

7 (b) Ten percent of the appropriation must be allocated
8 among district school boards according to the allocation
9 formula in s. 1013.64(1)(a).

10 (3) A district school board shall expend the funds
11 received under this section only to:

12 (a) Construct, renovate, remodel, repair, or maintain
13 educational facilities; or

14 (b) Pay debt service on bonds issued under this
15 section, the proceeds of which must be expended for new
16 construction, remodeling, renovation, and major repairs. Bond
17 proceeds shall be expended first for providing permanent
18 classroom facilities and related auxiliary facilities. Bond
19 proceeds may not be expended for any other facilities until
20 all unmet needs for permanent classrooms and auxiliary
21 facilities as defined in s. 1013.01 have been satisfied.

22
23 However, if more than 9 percent of a district's total square
24 feet is more than 50 years old, the district must spend at
25 least 25 percent of its allocation on the renovation, major
26 repair, or remodeling of existing schools, except that
27 districts having fewer than 10,000 full-time equivalent
28 students are exempt from this requirement.

29 (4) Each district school board that pledges moneys
30 under paragraph (3)(b) shall notify the Department of
31 Education of its election at a time set by the department. The

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1 Department of Education shall review the proposal of each
2 district school board for compliance with this section and
3 shall forward all approved proposals to the Division of Bond
4 Finance with a request to issue bonds on behalf of the
5 approved school districts.

6 (5) A district school board that chooses to pledge
7 allocations from the Classrooms First Program for the issuance
8 of bonds must encumber those bond proceeds before pledging
9 funds for the payment of debt service on bonds issued pursuant
10 to this section.

11 (6) A school district may receive a distribution for
12 use pursuant to paragraph (3)(a) only if the district school
13 board certifies to the Commissioner of Education that the
14 district has no unmet need for permanent classroom facilities
15 in its 5-year capital outlay work plan. If the work plan
16 contains such unmet needs, the district must use its
17 distribution for the payment of bonds under paragraph (2)(b).
18 If the district does not require its full bonded distribution
19 to eliminate such unmet needs, it may bond only that portion
20 of its allocation necessary to meet the needs.

21 Section 871. Section 1013.74, Florida Statutes, is
22 created to read:

23 1013.74 University authorization for fixed capital
24 outlay projects.--

25 (1) Notwithstanding the provisions of chapter 216,
26 including s. 216.351, a university may accomplish fixed
27 capital outlay projects consistent with the provisions of this
28 section. Projects authorized by this section shall not require
29 educational plant survey approval as prescribed in chapter
30 235.

31 (2) The following types of projects may be

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1 accomplished pursuant to this section:

2 (a) Construction of any new buildings, or remodeling
3 of existing buildings, when funded from nonstate sources such
4 as federal grant funds, private gifts, grants, or lease
5 arrangements if such grants or gifts are given for the
6 specific purpose of construction;

7 (b) The replacement of any buildings destroyed by fire
8 or other calamity;

9 (c) Construction of projects financed as provided in
10 ss. 1010.60-1010.619 or 1013.71;

11 (d) Construction of new facilities or remodeling of
12 existing facilities to meet needs for research, provided that
13 such projects are financed pursuant to s. 1004.22; or

14 (e) Construction of facilities or remodeling of
15 existing facilities to meet needs as determined by the
16 university, provided that the amount of funds for any such
17 project does not exceed \$1 million, and the trust funds, other
18 than the funds used to accomplish projects contemplated in
19 this subsection, are authorized and available for such
20 purposes.

21 (3) Other than those projects currently authorized, no
22 project proposed by a university which is to be funded from
23 Capital Improvement Trust Fund fees or building fees shall be
24 submitted to the State Board of Education for approval without
25 prior consultation with the student government association of
26 that university. The State Board of Education shall promulgate
27 rules which are consistent with this requirement.

28 (4) The university board of trustees shall, in
29 consultation with local and state emergency management
30 agencies, assess existing facilities to identify the extent to
31 which each campus has public hurricane evacuation shelter

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1 space. The board shall submit to the Governor and the
2 Legislature by August 1 of each year a 5-year capital
3 improvements program that identifies new or retrofitted
4 facilities that will incorporate enhanced hurricane resistance
5 standards and that can be used as public hurricane evacuation
6 shelters. Enhanced hurricane resistance standards include
7 fixed passive protection for window and door applications to
8 provide mitigation protection, security protection with
9 egress, and energy efficiencies that meet standards required
10 in the 130-mile-per-hour wind zone areas. The board must also
11 submit proposed facility retrofit projects to the Department
12 of Community Affairs for assessment and inclusion in the
13 annual report prepared in accordance with s. 252.385(3). Until
14 a regional planning council region in which a campus is
15 located has sufficient public hurricane evacuation shelter
16 space, any campus building for which a design contract is
17 entered into subsequent to July 1, 2001, and which has been
18 identified by the board, with the concurrence of the local
19 emergency management agency or the Department of Community
20 Affairs, to be appropriate for use as a public hurricane
21 evacuation shelter, must be constructed in accordance with
22 public shelter standards.

23 Section 872. Section 1013.75, Florida Statutes, is
24 created to read:

25 1013.75 Cooperative funding of career and technical
26 educational facilities.--

27 (1) Each district school board operating a designated
28 technical center may submit, prior to August 1 of each year, a
29 request to the commissioner for funds from the Public
30 Education Capital Outlay and Debt Service Trust Fund to plan,
31 construct, and equip a career and technical educational

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1 facility identified as being critical to the economic
2 development and the workforce needs of the school district.
3 Prior to submitting a request, each school district shall:
4 (a) Adopt and submit to the commissioner a resolution
5 indicating its commitment to fund the planning, construction,
6 and equipping of the proposed facility at 40 percent of the
7 requested project amount. The resolution shall also designate
8 the locale of the proposed facility. If funds from a private
9 or noneducational public entity are to be committed to the
10 project, then a joint resolution shall be required.
11 (b) Except as provided in paragraph (5)(b), levy the
12 maximum millage against the nonexempt assessed property value
13 as provided in s. 1011.71(2).
14 (c) Certify to the Office of Workforce and Economic
15 Development that the project has been survey recommended.
16 (d) Certify to the Office of Workforce and Economic
17 Development that final phase III construction documents comply
18 with applicable building codes and life safety codes.
19 (e) Sign an agreement that the district school board
20 shall advertise for bids within 90 days of receiving an
21 encumbrance authorization from the department.
22 (f) If a construction contract has not been signed 90
23 days after the advertising of bids, certify to the Office of
24 Workforce and Economic Development and the department the
25 cause for delay. Upon request, an additional 90 days may be
26 granted by the commissioner.
27 (2) The Office of Workforce and Economic Development
28 shall establish the need for additional career and technical
29 education programs and the continuation of existing programs
30 before facility construction or renovation related to career
31 and technical education can be included in the educational

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1 plant survey. Information used by the Office of Workforce and
2 Economic Development to establish facility needs shall
3 include, but not be limited to, labor market needs analysis
4 and information submitted by the school districts.

5 (3) The total cost of the proposed facility shall be
6 determined by the district school board using established
7 state board averages for determining new construction cost.

8 (4)(a) A career and technical education construction
9 committee shall be composed of the following: three
10 representatives from the Department of Education and one
11 representative from the Executive Office of the Governor.

12 (b) The committee shall review and evaluate the
13 requests submitted from the school districts and rank the
14 requests in priority order in accordance with statewide
15 critical needs. This statewide priority list shall be
16 submitted to the commissioner.

17 (c) The commissioner's legislative capital outlay
18 budget request may include up to 2 percent of the new
19 construction allocation to public schools for career and
20 technical capital outlay projects recommended by the career
21 and technical education construction committee.

22 (5)(a) Upon approval of a project, the commissioner
23 shall include up to 60 percent of the total cost of the
24 project in the legislative capital outlay budget request as
25 provided in s. 1013.60 for educational plants. The
26 participating district school board shall provide 40 percent
27 of the total cost of the project. When practical, the district
28 school board shall solicit and encourage a private or
29 noneducational public entity to commit to finance a portion of
30 the funds to complete the planning, construction, and
31 equipping of the facility. If a site does not exist, the

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1 purchase price or, if donated, the assessed value of a site
2 may be included in meeting the funding requirements of the
3 district school board, a private or noneducational public
4 entity, or the educational agency. The value of existing
5 sites, intended to satisfy any portion of the funding
6 requirement of a private or noneducational public entity,
7 shall be determined by an independent appraiser under contract
8 with the board. The size of the site to adequately provide for
9 the implementation of the proposed educational programs shall
10 be determined by the board. Funds from the Public Education
11 Capital Outlay and Debt Service Trust Fund may not be expended
12 on any project unless specifically authorized by the
13 Legislature.

14 (b) In the event that a school district is not levying
15 the maximum millage against the nonexempt assessed property
16 value pursuant to paragraph (1)(b), state and school district
17 funding pursuant to paragraph (a) shall be reduced by the same
18 proportion as the millage actually being levied bears to the
19 maximum allowable millage.

20 Section 873. Section 1013.76, Florida Statutes, is
21 created to read:

22 1013.76 Multiyear capital improvement contracts.--Any
23 provision of chapters 1010 and 1011 to the contrary
24 notwithstanding, school districts are authorized to award
25 capital improvement contracts involving expenditures to be
26 incurred for a period of more than 1 year on the basis of
27 voter-authorized and unissued general obligation bonding
28 authority, provided that sufficient funds are available to,
29 and budgeted by, the school district to pay actual
30 disbursements during any fiscal year.

31 Section 874. Section 1013.78, Florida Statutes, is

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1 created to read:

2 1013.78 Approval required for certain
3 university-related facility acquisitions.--

4 (1) No university or university direct-support
5 organization shall construct, accept, or purchase facilities
6 for which the state will be asked for operating funds unless
7 there has been prior approval for construction or acquisition
8 granted by the Legislature.

9 (2) Legislative approval shall not be required for
10 renovations, remodeling, replacement of existing facilities or
11 construction of minor projects as defined in s. 1013.64.

12 Section 875. Section 1013.79, Florida Statutes, is
13 created to read:

14 1013.79 University Facility Enhancement Challenge
15 Grant Program.--

16 (1) The Legislature recognizes that the universities
17 do not have sufficient physical facilities to meet the current
18 demands of their instructional and research programs. It
19 further recognizes that, to strengthen and enhance
20 universities, it is necessary to provide facilities in
21 addition to those currently available from existing revenue
22 sources. It further recognizes that there are sources of
23 private support that, if matched with state support, can
24 assist in constructing much-needed facilities and strengthen
25 the commitment of citizens and organizations in promoting
26 excellence throughout the state universities. Therefore, it is
27 the intent of the Legislature to establish a trust fund to
28 provide the opportunity for each university to receive and
29 match challenge grants for instructional and research-related
30 capital facilities within the university.

31 (2) There is hereby established the Alec P. Courtelis

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1 University Facility Enhancement Challenge Grant Program for
2 the purpose of assisting universities build high priority
3 instructional and research-related capital facilities,
4 including common areas connecting such facilities. The
5 associated foundations that serve the universities shall
6 solicit gifts from private sources to provide matching funds
7 for capital facilities. For the purposes of this act, private
8 sources of funds shall not include any federal, state, or
9 local government funds that a university may receive.

10 (3) There is established the Alec P. Courtelis Capital
11 Facilities Matching Trust Fund for the purpose of providing
12 matching funds from private contributions for the development
13 of high priority instructional and research-related capital
14 facilities, including common areas connecting such facilities,
15 within a university. The Legislature shall appropriate funds
16 to be transferred to the trust fund. The Public Education
17 Capital Outlay and Debt Service Trust Fund, Capital
18 Improvement Trust Fund, Division of Sponsored Research Trust
19 Fund, and Contracts and Grants Trust Fund shall not be used as
20 the source of the state match for private contributions. All
21 appropriated funds deposited into the trust fund shall be
22 invested pursuant to the provisions of s. 18.125. Interest
23 income accruing to that portion of the trust fund shall
24 increase the total funds available for the challenge grant
25 program. Interest income accruing from the private donations
26 shall be returned to the participating foundation upon
27 completion of the project. The State Board of Education shall
28 administer the trust fund and all related construction
29 activities.

30 (4) No project shall be initiated unless all private
31 funds for planning, construction, and equipping the facility

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1 have been received and deposited in the trust fund and the
2 state's share for the minimum amount of funds needed to begin
3 the project has been appropriated by the Legislature. The
4 Legislature may appropriate the state's matching funds in one
5 or more fiscal years for the planning, construction, and
6 equipping of an eligible facility. However, these requirements
7 shall not preclude the university from expending available
8 funds from private sources to develop a prospectus, including
9 preliminary architectural schematics and/or models, for use in
10 its efforts to raise private funds for a facility.

11 Additionally, any private sources of funds expended for this
12 purpose are eligible for state matching funds should the
13 project materialize as provided for in this section.

14 (5) To be eligible to participate in the Alec P.
15 Courtelis Capital Facilities Matching Trust Fund, a university
16 shall raise a contribution equal to one-half of the total cost
17 of a facilities construction project from private
18 nongovernmental sources which shall be matched by a state
19 appropriation equal to the amount raised for a facilities
20 construction project subject to the General Appropriations
21 Act.

22 (6) If the state's share of the required match is
23 insufficient to meet the requirements of subsection (5), the
24 university shall renegotiate the terms of the contribution
25 with the donors. If the project is terminated, each private
26 donation, plus accrued interest, reverts to the foundation for
27 remittance to the donor.

28 (7) By September 1 of each year, the State Board of
29 Education shall transmit to the Legislature a list of projects
30 which meet all eligibility requirements to participate in the
31 Alec P. Courtelis Capital Facilities Matching Trust Fund and a

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1 budget request which includes the recommended schedule
2 necessary to complete each project.

3 (8) In order for a project to be eligible under this
4 program, it must be included in the university 5-year Capital
5 Improvement Plan and must receive prior approval from the
6 State Board of Education and the Legislature.

7 (9) No university's project shall be removed from the
8 approved 3-year PECO priority list because of its successful
9 participation in this program until approved by the
10 Legislature and provided for in the General Appropriations
11 Act. When such a project is completed and removed from the
12 list, all other projects shall move up on the 3-year PECO
13 priority list. A university shall not use PECO funds,
14 including the Capital Improvement Trust Fund fee and the
15 building fee, to complete a project under this section.

16 (10) Any project funds that are unexpended after a
17 project is completed shall revert to the Capital Facilities
18 Matching Trust Fund. Fifty percent of such unexpended funds
19 shall be reserved for the university which originally received
20 the private contribution for the purpose of providing private
21 matching funds for future facility construction projects as
22 provided in this section. The balance of such unexpended funds
23 shall be available to any state university for future facility
24 construction projects conducted pursuant to this section.

25 (11) The surveys, architectural plans, facility, and
26 equipment shall be the property of the State of Florida. A
27 facility constructed pursuant to this section may be named in
28 honor of a donor at the option of the university and the State
29 Board of Education. No facility shall be named after a living
30 person without prior approval by the Legislature.

31 Section 876. Section 1013.81, Florida Statutes, is

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1 created to read:

2 1013.81 Community college indebtedness; bonds and tax
3 anticipation certificates; payment.--

4 (1) The indebtedness incurred for the benefit of
5 community colleges and represented by bonds or motor vehicle
6 tax anticipation certificates issued from time to time by the
7 State Board of Education, hereinafter called "state board,"
8 pursuant to s. 18, Art. XII of the State Constitution of 1885
9 on behalf of the several former county boards of public
10 instruction shall not be considered by the state board in
11 determining the amount of bonds or motor vehicle tax
12 anticipation certificates which the state board may issue from
13 time to time on behalf of the several school districts under
14 the provisions of s. 9(d), Art. XII of the State Constitution,
15 as amended at the general election held on November 7, 1972,
16 hereinafter called "school capital outlay amendment." Such
17 indebtedness incurred on behalf of community colleges, as
18 described above, shall be considered by the state board in
19 determining the amount of bonds or motor vehicle tax
20 anticipation certificates which the state board may issue from
21 time to time on behalf of the several community college
22 districts under the provisions of the school capital outlay
23 amendment.

24 (2) The debt service requirements on the indebtedness
25 incurred for the benefit of community colleges and represented
26 by bonds or motor vehicle tax anticipation certificates issued
27 from time to time by the state board on behalf of the several
28 former county boards of public instruction, as described in
29 subsection (1), shall be paid from funds distributable
30 pursuant to the school capital outlay amendment to the credit
31 of the several community college districts, and not from funds

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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 877. 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 878. 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

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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

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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 879. 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 entity, which may terminate the charter pursuant to ss.

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1 1002.33 ~~228.056~~ and 1002.34 ~~228.505~~.

2 Section 880. Paragraph (d) of subsection (2),
3 paragraph (a) of subsection (3), and subsection (8) of section
4 11.45, Florida Statutes, are amended to read:

5 11.45 Definitions; duties; authorities; reports;
6 rules.--

7 (2) DUTIES.--The Auditor General shall:

8 (d) Annually conduct financial audits of the accounts
9 and records of all district school boards in counties with
10 populations of fewer than 150,000 ~~125,000~~, according to the
11 most recent federal decennial statewide census.

12

13 The Auditor General shall perform his or her duties
14 independently but under the general policies established by
15 the Legislative Auditing Committee. This subsection does not
16 limit the Auditor General's discretionary authority to conduct
17 other audits or engagements of governmental entities as
18 authorized in subsection (3).

19 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--

20 (a) The Auditor General may, pursuant to his or her
21 own authority, or at the direction of the Legislative Auditing
22 Committee, conduct audits or other engagements as determined
23 appropriate by the Auditor General of:

24 1. The accounts and records of any governmental entity
25 created or established by law.

26 2. The information technology programs, activities,
27 functions, or systems of any governmental entity created or
28 established by law.

29 3. The accounts and records of any charter school
30 created or established by law.

31 4. The accounts and records of any direct-support

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1 organization or citizen support organization created or
2 established by law. The Auditor General is authorized to
3 require and receive any records from the direct-support
4 organization or citizen support organization, or from its
5 independent auditor.

6 5. The public records associated with any
7 appropriation made by the General Appropriations Act to a
8 nongovernmental agency, corporation, or person. All records of
9 a nongovernmental agency, corporation, or person with respect
10 to the receipt and expenditure of such an appropriation shall
11 be public records and shall be treated in the same manner as
12 other public records are under general law.

13 6. State financial assistance provided to any nonstate
14 entity.

15 7. The Tobacco Settlement Financing Corporation
16 created pursuant to s. 215.56005.

17 8. The Florida On-Line High School created pursuant to
18 s. 1002.37 ~~228.082~~.

19 9. Any purchases of federal surplus lands for use as
20 sites for correctional facilities as described in s. 253.037.

21 10. Enterprise Florida, Inc., including any of its
22 boards, advisory committees, or similar groups created by
23 Enterprise Florida, Inc., and programs. The audit report may
24 not reveal the identity of any person who has anonymously made
25 a donation to Enterprise Florida, Inc., pursuant to this
26 subparagraph. The identity of a donor or prospective donor to
27 Enterprise Florida, Inc., who desires to remain anonymous and
28 all information identifying such donor or prospective donor
29 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.

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1 11. The Florida Development Finance Corporation or the
2 capital development board or the programs or entities created
3 by the board. The audit or report may not reveal the identity
4 of any person who has anonymously made a donation to the board
5 pursuant to this subparagraph. The identity of a donor or
6 prospective donor to the board who desires to remain anonymous
7 and all information identifying such donor or prospective
8 donor are confidential and exempt from the provisions of s.
9 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
10 anonymity shall be maintained in the auditor's report.

11 12. The records pertaining to the use of funds from
12 voluntary contributions on a motor vehicle registration
13 application or on a driver's license application authorized
14 pursuant to ss. 320.023 and 322.081.

15 13. The records pertaining to the use of funds from
16 the sale of specialty license plates described in chapter 320.

17 14. The transportation corporations under contract
18 with the Department of Transportation that are acting on
19 behalf of the state to secure and obtain rights-of-way for
20 urgently needed transportation systems and to assist in the
21 planning and design of such systems pursuant to ss.
22 339.401-339.421.

23 15. The acquisitions and divestitures related to the
24 Florida Communities Trust Program created pursuant to chapter
25 380.

26 16. The Florida Water Pollution Control Financing
27 Corporation created pursuant to s. 403.1837.

28 17. The Florida Partnership for School Readiness
29 created pursuant to s. 411.01.

30 18. The Occupational Access and Opportunity Commission
31 created pursuant to s. 413.83.

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- 1 19. The Florida Special Disability Trust Fund
2 Financing Corporation created pursuant to s. 440.49.
- 3 20. Workforce Florida, Inc., or the programs or
4 entities created by Workforce Florida, Inc., created pursuant
5 to s. 445.004.
- 6 21. The corporation defined in s. 455.32 that is under
7 contract with the Department of Business and Professional
8 Regulation to provide administrative, investigative,
9 examination, licensing, and prosecutorial support services in
10 accordance with the provisions of s. 455.32 and the practice
11 act of the relevant profession.
- 12 22. The Florida Engineers Management Corporation
13 created pursuant to chapter 471.
- 14 23. The Investment Fraud Restoration Financing
15 Corporation created pursuant to chapter 517.
- 16 24. The books and records of any permitholder that
17 conducts race meetings or jai alai exhibitions under chapter
18 550.
- 19 25. The corporation defined in part II of chapter 946,
20 known as the Prison Rehabilitative Industries and Diversified
21 Enterprises, Inc., or PRIDE Enterprises.
- 22 (8) RULES OF THE AUDITOR GENERAL.--The Auditor
23 General, in consultation with the Board of Accountancy, shall
24 adopt rules for the form and conduct of all financial audits
25 performed by independent certified public accountants pursuant
26 to ss. 215.981, 218.39, 1004.28, 1004.70, and 1013.77-237.40,
27 ~~240.299, and 240.331~~. The rules for audits of local
28 governmental entities and district school boards must include,
29 but are not limited to, requirements for the reporting of
30 information necessary to carry out the purposes of the Local
31 Government Financial Emergencies Act as stated in s. 218.501.

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1 Section 881. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 20.15, Florida
3 Statutes, shall not stand repealed on January 7, 2003, as
4 scheduled by that act, but is reenacted and amended to read:

5 20.15 Department of Education.--There is created a
6 Department of Education.

7 (1) STATE BOARD OF EDUCATION.--In accordance with s.
8 2, Art. IX of the State Constitution, the State Board of
9 Education is a body corporate and must supervise the system of
10 free public education as is provided by law. The State Board
11 of Education is the head of the Department of Education the
12 chief policymaking body of public education in the state as
13 specified in chapter 229. The Governor is chair of the board,
14 and the Commissioner of Education is the secretary and
15 executive officer and in the absence of the Governor shall
16 serve as chair.

17 (2) COMMISSIONER OF EDUCATION.--The Commissioner of
18 Education is appointed by the State Board of Education and
19 serves as the Executive Director of the Department of
20 Education head of the Department of Education is the
21 Commissioner of Education who shall be elected by vote of the
22 qualified electors of the state pursuant to s. 5, Art. IV of
23 the State Constitution.

24 ~~(a) The Commissioner of Education shall appoint a~~
25 ~~Deputy Commissioner for Educational Programs who has such~~
26 ~~powers, duties, responsibilities, and functions as are~~
27 ~~necessary to ensure the greatest possible coordination,~~
28 ~~efficiency, and effectiveness of kindergarten through~~
29 ~~12th grade education and vocational and continuing education~~
30 ~~programs, including workforce development.~~

31 ~~(b) The Commissioner of Education shall appoint a~~

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1 ~~Deputy Commissioner for Planning, Budgeting, and Management~~
2 ~~who has such powers, duties, responsibilities, and functions~~
3 ~~as are necessary to ensure the greatest possible coordination~~
4 ~~of policies, programs, and procedures for the statewide system~~
5 ~~of education and the department.~~

6 ~~(c) The Commissioner of Education shall appoint a~~
7 ~~Deputy Commissioner for Technology and Administration who has~~
8 ~~such powers, duties, responsibilities, and functions as are~~
9 ~~necessary to ensure the greatest possible coordination and~~
10 ~~development of technological supports for the education system~~
11 ~~and efficient administration of the department.~~

12 (3) DIVISIONS.--The following divisions of the
13 Department of Education are established:

14 (a) Division of Community Colleges.

15 (b) Division of Public Schools ~~and Community~~
16 ~~Education.~~

17 (c) Division of Colleges and Universities.

18 (d) Division of Vocational Rehabilitation Workforce
19 ~~Development.~~

20 ~~(e) Division of Professional Educators.~~

21 ~~(f) Division of Administration.~~

22 ~~(g) Division of Financial Services.~~

23 ~~(h) Division of Support Services.~~

24 ~~(i) Division of Technology.~~

25 ~~(e)(j)~~ Division of Blind Services.

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

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1 (5) POWERS AND DUTIES.--The State Board of Education
2 and the Commissioner of Education+

3 ~~(a) shall assign to the divisions ~~Division of Public~~
4 ~~Schools and Community Education~~ such powers, duties,
5 responsibilities, and functions as are necessary to ensure the
6 greatest possible coordination, efficiency, and effectiveness
7 of education for students in K-20 education ~~prekindergarten~~
8 ~~through 12th grade, for secondary school vocational education,~~
9 ~~and for community education.~~~~

10 ~~(b) Shall assign to the Division of Workforce~~
11 ~~Development such powers, duties, responsibilities, and~~
12 ~~functions as are necessary to ensure the greatest possible~~
13 ~~coordination, efficiency, and effectiveness of workforce~~
14 ~~development education.~~

15 ~~(c) Shall assign to the State Board of Community~~
16 ~~Colleges such powers, duties, responsibilities, and functions~~
17 ~~as are necessary to ensure the coordination, efficiency, and~~
18 ~~effectiveness of community colleges, except those duties~~
19 ~~specifically assigned to the Commissioner of Education in ss.~~
20 ~~229.512 and 229.551, the duties concerning physical facilities~~
21 ~~in chapter 235, and the duties assigned to the Division of~~
22 ~~Workforce Development in chapter 239.~~

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

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1 ~~Colleges and Universities, and the State Board of Nonpublic~~
2 ~~Career Education.~~

3 (7) BOARDS.--Notwithstanding anything contained in law
4 to the contrary, all members of the university Board of
5 ~~Regents, the State Board of Community Colleges, and the~~
6 community college ~~district~~ boards of trustees must be
7 appointed according to chapter 1001 240.

8 Section 882. Paragraphs (a) and (b) of subsection (1),
9 paragraph (d) of subsection (3), and paragraph (a) of
10 subsection (5) of section 23.1225, Florida Statutes, are
11 amended to read:

12 23.1225 Mutual aid agreements.--

13 (1) The term "mutual aid agreement," as used in this
14 part, refers to one of the following types of agreement:

15 (a) A voluntary cooperation written agreement between
16 two or more law enforcement agencies, or between one or more
17 law enforcement agencies and either a school board that
18 employs school safety officers or a state university that
19 employs or appoints university police officers in accordance
20 with s. 1012.97 240-268, which agreement permits voluntary
21 cooperation and assistance of a routine law enforcement nature
22 across jurisdictional lines. The agreement must specify the
23 nature of the law enforcement assistance to be rendered, the
24 agency or entity that shall bear any liability arising from
25 acts undertaken under the agreement, the procedures for
26 requesting and for authorizing assistance, the agency or
27 entity that has command and supervisory responsibility, a time
28 limit for the agreement, the amount of any compensation or
29 reimbursement to the assisting agency or entity, and any other
30 terms and conditions necessary to give it effect. Examples of
31 law enforcement activities that may be addressed in a

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1 voluntary cooperation written agreement include, but are not
2 limited to, establishing a joint city-county task force on
3 narcotics smuggling, authorizing school safety officers to
4 enforce laws in an area within 1,000 feet of a school or
5 school board property, or establishing a joint city-county
6 traffic enforcement task force.

7 (b) A requested operational assistance written
8 agreement between two or more law enforcement agencies, or
9 between one or more law enforcement agencies and either a
10 school board that employs school safety officers or a state
11 university that employs or appoints university police officers
12 in accordance with s. 1012.97 ~~240-268~~, which agreement is for
13 the rendering of assistance in a law enforcement emergency.
14 The agreement must specify the nature of the law enforcement
15 assistance to be rendered, the agency or entity that shall
16 bear any liability arising from acts undertaken under the
17 agreement, the procedures for requesting and for authorizing
18 assistance, the agency or entity that has command and
19 supervisory responsibility, a time limit for the agreement,
20 the amount of any compensation or reimbursement to the
21 assisting agency or entity, and any other terms and conditions
22 necessary to give it effect. An example of the use of a
23 requested operational assistance written agreement is to meet
24 a request for assistance due to a civil disturbance or other
25 emergency as defined in s. 252.34.

26 (3) A mutual aid agreement may be entered into by:

27 (d) A state university that employs or appoints
28 university police officers in accordance with s. 1012.97
29 ~~240-268~~.

30 (5) In the event of a disaster or emergency such that
31 a state of emergency is declared by the Governor pursuant to

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1 chapter 252, the requirement that a requested operational
2 assistance agreement be a written agreement for rendering of
3 assistance in a law enforcement emergency may be waived by the
4 participating agencies for a period of up to 90 days from the
5 declaration of the disaster.

6 (a) When a law enforcement agency, a school board
7 employing school safety officers, or a state university
8 employing or appointing university police officers in
9 accordance with s. 1012.97 ~~240.268~~ lends assistance pursuant
10 to this subsection, all powers, privileges, and immunities
11 listed in s. 23.127, except with regard to interstate mutual
12 aid agreements, apply to the agency or entity, provided that
13 the law enforcement, school board, or university employees
14 rendering services are being requested and coordinated by the
15 affected local law enforcement executive in charge of law
16 enforcement operations.

17 Section 883. Subsection (2) and paragraphs (c) and (d)
18 of subsection (5) of section 24.121, Florida Statutes, are
19 amended to read:

20 24.121 Allocation of revenues and expenditure of funds
21 for public education.--

22 (2) Each fiscal year, at least 38 percent of the gross
23 revenue from the sale of lottery tickets and other earned
24 revenue, excluding application processing fees, shall be
25 deposited in the Educational Enhancement Trust Fund, which is
26 hereby created in the State Treasury to be administered by the
27 Department of Education. The Department of the Lottery shall
28 transfer moneys to the Educational Enhancement Trust Fund at
29 least once each quarter. Funds in the Educational Enhancement
30 Trust Fund shall be used to the benefit of public education in
31 accordance with the provisions of this act. Notwithstanding

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1 any other provision of law, a maximum of \$180 million of
2 lottery revenues transferred to the Educational Enhancement
3 Trust Fund in fiscal year 1997-1998 and for 30 years
4 thereafter shall be reserved as needed and used to meet the
5 requirements of the documents authorizing the bonds issued by
6 the state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70
7 ~~235.2195~~ or distributed to school districts for the Classrooms
8 First Program as provided in s. 1013.68 ~~235.187~~. Such lottery
9 revenues are hereby pledged to the payment of debt service on
10 bonds issued by the state pursuant to s. 1013.68 ~~235.187~~ or s.
11 1013.70 ~~235.2195~~. Debt service payable on bonds issued by the
12 state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70 ~~235.2195~~
13 shall be payable from the first lottery revenues transferred
14 to the Educational Enhancement Trust Fund in each fiscal year.
15 Amounts distributable to school districts that request the
16 issuance of bonds pursuant to s. 1013.68(3) ~~235.187(3)~~ are
17 hereby pledged to such bonds pursuant to s. 11(d), Art. VII of
18 the State Constitution. The amounts distributed through the
19 Classrooms First Program shall equal \$145 million in each
20 fiscal year. These funds are intended to provide up to \$2.5
21 billion for public school facilities.

22 (5)

23 (c) A portion of such net revenues, as determined
24 annually by the Legislature, shall be distributed to each
25 school district and shall be made available to each public
26 school in the district for enhancing school performance
27 through development and implementation of a school improvement
28 plan pursuant to s. 1001.42(16) ~~230.23(16)~~. A portion of these
29 moneys, as determined annually in the General Appropriations
30 Act, must be allocated to each school in an equal amount for
31 each student enrolled. These moneys may be expended only on

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1 programs or projects selected by the school advisory council
2 or by a parent advisory committee created pursuant to this
3 paragraph. If a school does not have a school advisory
4 council, the district advisory council must appoint a parent
5 advisory committee composed of parents of students enrolled in
6 that school, which committee is representative of the ethnic,
7 racial, and economic community served by the school, to advise
8 the school's principal on the programs or projects to be
9 funded. A principal may not override the recommendations of
10 the school advisory council or the parent advisory committee.
11 These moneys may not be used for capital improvements, nor may
12 they be used for any project or program that has a duration of
13 more than 1 year; however, a school advisory council or parent
14 advisory committee may independently determine that a program
15 or project formerly funded under this paragraph should receive
16 funds in a subsequent year.

17 (d) No funds shall be released for any purpose from
18 the Educational Enhancement Trust Fund to any school district
19 in which one or more schools do not have an approved school
20 improvement plan pursuant to s. 1001.42(16) ~~230.23(16)~~ or do
21 not comply with school advisory council membership composition
22 requirements pursuant to s. 229.58(1). Effective July 1, 2002,
23 the Commissioner of Education shall withhold disbursements
24 from the trust fund to any school district that fails to adopt
25 the performance-based salary schedule required by s.
26 1012.22(1) ~~230.23(5)~~.

27 Section 884. Paragraph (a) of subsection (5) of
28 section 39.0015, Florida Statutes, is amended to read:

29 39.0015 Child abuse prevention training in the
30 district school system.--

31 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION

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1 PROCESS; MONITORING AND EVALUATION.--

2 (a) Each training center shall perform the following
3 functions:

4 1. Act as a clearinghouse to provide information on
5 prevention curricula which meet the requirements of this
6 section and the requirements of ~~s. ss. 39.001 and 231.17.~~

7 2. Assist the local school district in selecting a
8 prevention program model which meets the needs of the local
9 community.

10 3. At the request of the local school district, design
11 and administer training sessions to develop or expand local
12 primary prevention and training programs.

13 4. Provide assistance to local school districts,
14 including, but not limited to, all of the following:
15 administration, management, program development, multicultural
16 staffing, and community education, in order to better meet the
17 requirements of this section and of ~~s. ss. 39.001 and 231.17.~~

18 5. At the request of the department or the local
19 school district, provide ongoing program development and
20 training to achieve all of the following:

21 a. Meet the special needs of children, including, but
22 not limited to, the needs of disabled and high-risk children.

23 b. Conduct an outreach program to inform the
24 surrounding communities of the existence of primary prevention
25 and training programs and of funds to conduct such programs.

26 6. Serve as a resource to the Department of Children
27 and Family Services and its districts.

28 Section 885. Paragraph (c) of subsection (3) of
29 section 39.407, Florida Statutes, is amended to read:

30 39.407 Medical, psychiatric, and psychological
31 examination and treatment of child; physical or mental

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1 examination of parent or person requesting custody of child.--

2 (3)

3 (c) The judge may also order such child to be
4 evaluated by a district school board educational needs
5 assessment team. The educational needs assessment provided by
6 the district school board educational needs assessment team
7 shall include, but not be limited to, reports of intelligence
8 and achievement tests, screening for learning disabilities and
9 other handicaps, and screening for the need for alternative
10 education as defined in s. 1001.42 ~~230-23~~.

11 Section 886. Subsection (1) of section 61.13015,
12 Florida Statutes, is amended to read:

13 61.13015 Petition for suspension or denial of
14 professional licenses and certificates.--

15 (1) An obligee may petition the court which entered
16 the support order or the court which is enforcing the support
17 order for an order to suspend or deny the license or
18 certificate issued pursuant to chapters ~~231~~, 409, 455, 456,
19 ~~and~~ 559, and 1012 of any obligor with a delinquent support
20 obligation. However, no petition may be filed until the
21 obligee has exhausted all other available remedies. The
22 purpose of this section is to promote the public policy of s.
23 409.2551.

24 Section 887. Subsection (2) of section 105.061,
25 Florida Statutes, is amended to read:

26 105.061 Electors qualified to vote.--

27 (2) The election of members of a school board shall be
28 by vote of the qualified electors as prescribed in chapter
29 1001 ~~230~~.

30 Section 888. Paragraph (a) of subsection (1) of
31 section 110.1228, Florida Statutes, is amended to read:

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1 110.1228 Participation by small counties, small
2 municipalities, and district school boards located in small
3 counties.--

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

5 (a) "District school board" means a district school
6 board located in a small county or a district school board
7 that receives funding pursuant to s. 1011.62(6) ~~236.081(6)~~.

8 Section 889. Paragraphs (b), (c), (f), (g), and (h) of
9 subsection (2) of section 110.123, Florida Statutes, are
10 amended to read:

11 110.123 State group insurance program.--

12 (2) DEFINITIONS.--As used in this section, the term:

13 (b) "Enrollee" means all state officers and employees,
14 retired state officers and employees, surviving spouses of
15 deceased state officers and employees, and terminated
16 employees or individuals with continuation coverage who are
17 enrolled in an insurance plan offered by the state group
18 insurance program. "Enrollee" includes all state university
19 officers and employees, retired state university officers and
20 employees, surviving spouses of deceased state university
21 officers and employees, and terminated state university
22 employees or individuals with continuation coverage who are
23 enrolled in an insurance plan offered by the state group
24 insurance program.

25 (c) "Full-time state employees" includes all full-time
26 employees of all branches or agencies of state government
27 holding salaried positions and paid by state warrant or from
28 agency funds, and employees paid from regular salary
29 appropriations for 8 months' employment, including university
30 personnel on academic contracts, but in no case shall "state
31 employee" or "salaried position" include persons paid from

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1 other-personal-services (OPS) funds. "Full-time employees"
2 includes all full-time employees of the state universities.

3 (f) "Part-time state employee" means any employee of
4 any branch or agency of state government paid by state warrant
5 from salary appropriations or from agency funds, and who is
6 employed for less than the normal full-time workweek
7 established by the department or, if on academic contract or
8 seasonal or other type of employment which is less than
9 year-round, is employed for less than 8 months during any
10 12-month period, but in no case shall "part-time" employee
11 include a person paid from other-personal-services (OPS)
12 funds. "Part-time state employee" includes any part-time
13 employee of the state universities.

14 (g) "Retired state officer or employee" or "retiree"
15 means any state or state university officer or ~~state~~ employee
16 who retires under a state retirement system or a state
17 optional annuity or retirement program or is placed on
18 disability retirement, and who was insured under the state
19 group insurance program at the time of retirement, and who
20 begins receiving retirement benefits immediately after
21 retirement from state or state university office or
22 employment.

23 (h) "State agency" or "agency" means any branch,
24 department, or agency of state government. "State agency" or
25 "agency" includes any state university for purposes of this
26 section only.

27 Section 890. Subsection (1) of section 110.151,
28 Florida Statutes, is amended to read:

29 110.151 State officers' and employees' child care
30 services.--

31 (1) The Department of Management Services shall

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1 approve, administer, and coordinate child care services for
2 state officers' and employees' children or dependents. Duties
3 shall include, but not be limited to, reviewing and approving
4 requests from state agencies for child care services;
5 providing technical assistance on child care program startup
6 and operation; and assisting other agencies in conducting
7 needs assessments, designing centers, and selecting service
8 providers. Primary emphasis for child care services shall be
9 given to children who are not subject to compulsory school
10 attendance pursuant to part II of chapter 1003 ~~chapter 232~~,
11 and, to the extent possible, emphasis shall be placed on child
12 care for children aged 2 and under.

13 Section 891. Subsection (5) of section 110.181,
14 Florida Statutes, is amended to read:

15 110.181 Florida State Employees' Charitable
16 Campaign.--

17 (5) PARTICIPATION OF STATE UNIVERSITIES.--Each
18 university may elect to participate in the Florida State
19 Employees' Charitable Campaign, upon timely notice to the
20 department. Each university may also conduct annual
21 charitable fundraising drives for employees under the
22 authority granted in s. 1001.74(19) ~~240.209(3)(f)~~.

23 Section 892. Paragraph (d) of subsection (2) of
24 section 110.205, Florida Statutes, is amended to read:

25 110.205 Career service; exemptions.--

26 (2) EXEMPT POSITIONS.--The exempt positions that are
27 not covered by this part include the following:

28 (d) All officers and employees of the state
29 universities ~~University System~~ and the Correctional Education
30 Program within the Department of Corrections, and the academic
31 personnel and academic administrative personnel of the Florida

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1 School for the Deaf and the Blind. In accordance with the
2 provisions of s. 1002.36 ~~chapter 242~~, the salaries for
3 academic personnel and academic administrative personnel of
4 the Florida School for the Deaf and the Blind shall be set by
5 the board of trustees for the school, subject only to the
6 approval of the State Board of Education. The salaries for all
7 instructional personnel and all administrative and
8 noninstructional personnel of the Correctional Education
9 Program shall be set by the Department of Corrections, subject
10 to the approval of the Department of Management Services.

11 Section 893. Paragraphs (b) and (c) of subsection (1)
12 of section 112.1915, Florida Statutes, are amended to read:

13 112.1915 Teachers and school administrators; death
14 benefits.--Any other provision of law to the contrary
15 notwithstanding:

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

17 (b) "Teacher" means any instructional staff personnel
18 as described in s. 1012.01(2) ~~228.041(9)~~.

19 (c) "School administrator" means any school
20 administrator as described in s. 1012.01(3) ~~228.041(10)(c)~~.

21 Section 894. Paragraph (h) of subsection (12) of
22 section 112.313, Florida Statutes, is amended to read:

23 112.313 Standards of conduct for public officers,
24 employees of agencies, and local government attorneys.--

25 (12) EXEMPTION.--The requirements of subsections (3)
26 and (7) as they pertain to persons serving on advisory boards
27 may be waived in a particular instance by the body which
28 appointed the person to the advisory board, upon a full
29 disclosure of the transaction or relationship to the
30 appointing body prior to the waiver and an affirmative vote in
31 favor of waiver by two-thirds vote of that body. In instances

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1 in which appointment to the advisory board is made by an
2 individual, waiver may be effected, after public hearing, by a
3 determination by the appointing person and full disclosure of
4 the transaction or relationship by the appointee to the
5 appointing person. In addition, no person shall be held in
6 violation of subsection (3) or subsection (7) if:

7 (h) The transaction is made pursuant to s. 1004.22
8 ~~240.229~~ or s. 1004.23 ~~240.241~~ and is specifically approved by
9 the president and the chair of the university board of
10 trustees Chancellor. The chair of the university board of
11 trustees Chancellor shall submit to the Governor and the
12 Legislature by March 1 of each year a report of the
13 transactions approved pursuant to this paragraph during the
14 preceding year.

15 Section 895. Subsection (6) of section 120.52, Florida
16 Statutes, is amended to read:

17 120.52 Definitions.--As used in this act:

18 (6) "Educational unit" means a local school district,
19 a community college district, the Florida School for the Deaf
20 and the Blind, or a state university unit of the State
21 ~~University System other than the Board of Regents~~.

22 Section 896. Paragraph (a) of subsection (1) of
23 section 120.55, Florida Statutes, is amended to read:

24 120.55 Publication.--

25 (1) The Department of State shall:

26 (a)1. Publish in a permanent compilation entitled
27 "Florida Administrative Code" all rules adopted by each
28 agency, citing the specific rulemaking authority pursuant to
29 which each rule was adopted, all history notes as authorized
30 in s. 120.545(9), and complete indexes to all rules contained
31 in the code. Supplementation shall be made as often as

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1 practicable, but at least monthly. The department may
2 contract with a publishing firm for the publication, in a
3 timely and useful form, of the Florida Administrative Code;
4 however, the department shall retain responsibility for the
5 code as provided in this section. This publication shall be
6 the official compilation of the administrative rules of this
7 state. The Department of State shall retain the copyright
8 over the Florida Administrative Code.

9 2. Rules general in form but applicable to only one
10 school district, community college district, or county, or a
11 part thereof, or state university rules relating to internal
12 personnel or business and finance shall not be published in
13 the Florida Administrative Code. Exclusion from publication in
14 the Florida Administrative Code shall not affect the validity
15 or effectiveness of such rules.

16 3. At the beginning of the section of the code dealing
17 with an agency that files copies of its rules with the
18 department, the department shall publish the address and
19 telephone number of the executive offices of each agency, the
20 manner by which the agency indexes its rules, a listing of all
21 rules of that agency excluded from publication in the code,
22 and a statement as to where those rules may be inspected.

23 4. Forms shall not be published in the Florida
24 Administrative Code; but any form which an agency uses in its
25 dealings with the public, along with any accompanying
26 instructions, shall be filed with the committee before it is
27 used. Any form or instruction which meets the definition of
28 "rule" provided in s. 120.52 shall be incorporated by
29 reference into the appropriate rule. The reference shall
30 specifically state that the form is being incorporated by
31 reference and shall include the number, title, and effective

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1 date of the form and an explanation of how the form may be
2 obtained.

3 Section 897. Paragraphs (a), (c), (e), (g), (i), and
4 (j) of subsection (1) of section 120.81, Florida Statutes, are
5 amended to read:

6 120.81 Exceptions and special requirements; general
7 areas.--

8 (1) EDUCATIONAL UNITS.--

9 (a) Notwithstanding s. 120.536(1) and the flush left
10 provisions of s. 120.52(8), district school boards may adopt
11 rules to implement their general powers under s. 1001.41
12 ~~230.22~~.

13 (c) Notwithstanding s. 120.52(15), any tests, test
14 scoring criteria, or testing procedures relating to student
15 assessment which are developed or administered by the
16 Department of Education pursuant to s. 1003.43 ~~229.57~~, s.
17 1003.438, s. 1008.22 ~~232.245~~, or s. 1008.25 ~~232.246~~, ~~or s.~~
18 ~~232.247~~, or any other statewide educational tests required by
19 law, are not rules.

20 (e) Educational units, other than the state
21 universities ~~units of the State University System~~ and the
22 Florida School for the Deaf and the Blind, shall not be
23 required to make filings with the committee of the documents
24 required to be filed by s. 120.54 or s. 120.55(1)(a)4.

25 (g) Sections 120.569 and 120.57 do not apply to any
26 proceeding in which the substantial interests of a student are
27 determined by a state university ~~the State University System~~
28 or a community college district. ~~The Board of Regents shall~~
29 ~~establish a committee, at least half of whom shall be~~
30 ~~appointed by the Council of Student Body Presidents, which~~
31 ~~shall establish rules and guidelines ensuring fairness and due~~

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1 ~~process in judicial proceedings involving students in the~~
2 ~~State University System.~~

3 (i) For purposes of s. 120.68, a district school board
4 whose decision is reviewed under the provisions of s. 1012.33
5 ~~231.36~~ and whose final action is modified by a superior
6 administrative decision shall be a party entitled to judicial
7 review of the final action.

8 (j) Notwithstanding s. 120.525(2), the agenda for a
9 special meeting of a district school board under authority of
10 s. 1001.372(1) ~~230.16~~ shall be prepared upon the calling of
11 the meeting, but not less than 48 hours prior to the meeting.

12 Section 898. Paragraph (c) of subsection (2) of
13 section 121.051, Florida Statutes, is amended to read:

14 121.051 Participation in the system.--

15 (2) OPTIONAL PARTICIPATION.--

16 (c) Employees of ~~members of the Florida~~ community
17 colleges College System or charter technical career centers
18 sponsored by members of the ~~Florida~~ community colleges College
19 ~~System~~, as designated in s. 1000.21(3) ~~240.3031~~, who are
20 members of the Regular Class of the Florida Retirement System
21 and who comply with the criteria set forth in this paragraph
22 and in s. 1012.875 ~~240.3195~~ may elect, in lieu of
23 participating in the Florida Retirement System, to withdraw
24 from the Florida Retirement System altogether and participate
25 in a lifetime monthly annuity program, to be known as the
26 State Community College System Optional Retirement Program,
27 which may be provided by the employing agency under s.
28 1012.875 ~~240.3195~~. Pursuant thereto:

29 1. Through June 30, 2001, the cost to the employer for
30 such annuity shall equal the normal cost portion of the
31 employer retirement contribution which would be required if

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1 the employee were a member of the Regular Class defined
2 benefit program, plus the portion of the contribution rate
3 required by s. 112.363(8) that would otherwise be assigned to
4 the Retiree Health Insurance Subsidy Trust Fund. Effective
5 July 1, 2001, each employer shall contribute on behalf of each
6 participant in the optional program an amount equal to 10.43
7 percent of the participant's gross monthly compensation. The
8 employer shall deduct an amount to provide for the
9 administration of the optional retirement program. The
10 employer providing such annuity shall contribute an additional
11 amount to the Florida Retirement System Trust Fund equal to
12 the unfunded actuarial accrued liability portion of the
13 Regular Class contribution rate.

14 2. The decision to participate in such an optional
15 retirement program shall be irrevocable for as long as the
16 employee holds a position eligible for participation. Any
17 service creditable under the Florida Retirement System shall
18 be retained after the member withdraws from the Florida
19 Retirement System; however, additional service credit in the
20 Florida Retirement System shall not be earned while a member
21 of the optional retirement program.

22 3. Participation in an optional annuity program shall
23 be limited to those employees who satisfy the following
24 eligibility criteria:

25 a. The employee must be otherwise eligible for
26 membership in the Regular Class of the Florida Retirement
27 System, as provided in s. 121.021(11) and (12).

28 b. The employee must be employed in a full-time
29 position classified in the Accounting Manual for Florida's
30 Public Community Colleges as:

31 (I) Instructional; or

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1 (II) Executive Management, Instructional Management,
2 or Institutional Management, if a community college determines
3 that recruiting to fill a vacancy in the position is to be
4 conducted in the national or regional market, and:

5 (A) The duties and responsibilities of the position
6 include either the formulation, interpretation, or
7 implementation of policies; or

8 (B) The duties and responsibilities of the position
9 include the performance of functions that are unique or
10 specialized within higher education and that frequently
11 involve the support of the mission of the community college.

12 c. The employee must be employed in a position not
13 included in the Senior Management Service Class of the Florida
14 Retirement System, as described in s. 121.055.

15 4. Participants in the program are subject to the same
16 reemployment limitations, renewed membership provisions, and
17 forfeiture provisions as are applicable to regular members of
18 the Florida Retirement System under ss. 121.091(9), 121.122,
19 and 121.091(5), respectively.

20 5. Eligible community college employees shall be
21 compulsory members of the Florida Retirement System until,
22 pursuant to the procedures set forth in s. ~~1012.875~~ ~~240.3195~~,
23 the first day of the next full calendar month following the
24 filing of both a written election to withdraw and a completed
25 application for an individual contract or certificate with the
26 program administrator and receipt of such election by the
27 division.

28 Section 899. Paragraph (a) of subsection (13) of
29 section 121.091, Florida Statutes, is amended to read:

30 121.091 Benefits payable under the system.--Benefits
31 may not be paid under this section unless the member has

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1 terminated employment as provided in s. 121.021(39)(a) or
2 begun participation in the Deferred Retirement Option Program
3 as provided in subsection (13), and a proper application has
4 been filed in the manner prescribed by the department. The
5 department may cancel an application for retirement benefits
6 when the member or beneficiary fails to timely provide the
7 information and documents required by this chapter and the
8 department's rules. The department shall adopt rules
9 establishing procedures for application for retirement
10 benefits and for the cancellation of such application when the
11 required information or documents are not received.

12 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,
13 and subject to the provisions of this section, the Deferred
14 Retirement Option Program, hereinafter referred to as the
15 DROP, is a program under which an eligible member of the
16 Florida Retirement System may elect to participate, deferring
17 receipt of retirement benefits while continuing employment
18 with his or her Florida Retirement System employer. The
19 deferred monthly benefits shall accrue in the System Trust
20 Fund on behalf of the participant, plus interest compounded
21 monthly, for the specified period of the DROP participation,
22 as provided in paragraph (c). Upon termination of employment,
23 the participant shall receive the total DROP benefits and
24 begin to receive the previously determined normal retirement
25 benefits. Participation in the DROP does not guarantee
26 employment for the specified period of DROP.

27 (a) Eligibility of member to participate in the
28 DROP.--All active Florida Retirement System members in a
29 regularly established position, and all active members of
30 either the Teachers' Retirement System established in chapter
31 238 or the State and County Officers' and Employees'

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1 Retirement System established in chapter 122 which systems are
2 consolidated within the Florida Retirement System under s.
3 121.011, are eligible to elect participation in the DROP
4 provided that:

5 1. The member is not a renewed member of the Florida
6 Retirement System under s. 121.122, or a member of the State
7 Community College System Optional Retirement Program under s.
8 121.051, the Senior Management Service Optional Annuity
9 Program under s. 121.055, or the optional retirement program
10 for the State University System under s. 121.35.

11 2. Except as provided in subparagraph 6., election to
12 participate is made within 12 months immediately following the
13 date on which the member first reaches normal retirement date,
14 or, for a member who reaches normal retirement date based on
15 service before he or she reaches age 62, or age 55 for Special
16 Risk Class members, election to participate may be deferred to
17 the 12 months immediately following the date the member
18 attains 57, or age 52 for Special Risk Class members. For a
19 member who first reached normal retirement date or the
20 deferred eligibility date described above prior to the
21 effective date of this section, election to participate shall
22 be made within 12 months after the effective date of this
23 section. A member who fails to make an election within such
24 12-month limitation period shall forfeit all rights to
25 participate in the DROP. The member shall advise his or her
26 employer and the division in writing of the date on which the
27 DROP shall begin. Such beginning date may be subsequent to the
28 12-month election period, but must be within the 60-month
29 limitation period as provided in subparagraph (b)1. When
30 establishing eligibility of the member to participate in the
31 DROP for the 60-month maximum participation period, the member

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1 may elect to include or exclude any optional service credit
2 purchased by the member from the total service used to
3 establish the normal retirement date. A member with dual
4 normal retirement dates shall be eligible to elect to
5 participate in DROP within 12 months after attaining normal
6 retirement date in either class.

7 3. The employer of a member electing to participate in
8 the DROP, or employers if dually employed, shall acknowledge
9 in writing to the division the date the member's participation
10 in the DROP begins and the date the member's employment and
11 DROP participation will terminate.

12 4. Simultaneous employment of a participant by
13 additional Florida Retirement System employers subsequent to
14 the commencement of participation in the DROP shall be
15 permissible provided such employers acknowledge in writing a
16 DROP termination date no later than the participant's existing
17 termination date or the 60-month limitation period as provided
18 in subparagraph (b)1.

19 5. A DROP participant may change employers while
20 participating in the DROP, subject to the following:

21 a. A change of employment must take place without a
22 break in service so that the member receives salary for each
23 month of continuous DROP participation. If a member receives
24 no salary during a month, DROP participation shall cease
25 unless the employer verifies a continuation of the employment
26 relationship for such participant pursuant to s.

27 121.021(39)(b).

28 b. Such participant and new employer shall notify the
29 division on forms required by the division as to the identity
30 of the new employer.

31 c. The new employer shall acknowledge, in writing, the

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1 participant's DROP termination date, which may be extended but
2 not beyond the original 60-month period provided in
3 subparagraph (b)1., shall acknowledge liability for any
4 additional retirement contributions and interest required if
5 the participant fails to timely terminate employment, and
6 shall be subject to the adjustment required in
7 sub-subparagraph (c)5.d.

8 6. Effective July 1, 2001, for instructional personnel
9 as defined in s. 1012.01(2) ~~228.041(9)(a)-(d)~~, election to
10 participate in the DROP shall be made at any time following
11 the date on which the member first reaches normal retirement
12 date. The member shall advise his or her employer and the
13 division in writing of the date on which the Deferred
14 Retirement Option Program shall begin. When establishing
15 eligibility of the member to participate in the DROP for the
16 60-month maximum participation period, as provided in
17 subparagraph (b)1., the member may elect to include or exclude
18 any optional service credit purchased by the member from the
19 total service used to establish the normal retirement date. A
20 member with dual normal retirement dates shall be eligible to
21 elect to participate in either class.

22 Section 900. Subsection (2) of section 145.131,
23 Florida Statutes, is amended to read:

24 145.131 Repeal of other laws relating to compensation;
25 exceptions.--

26 (2) The compensation of any official whose salary is
27 fixed by this chapter shall be the subject of general law
28 only, except that the compensation of certain school
29 superintendents may be set by school boards in accordance with
30 the provisions of s. 1001.47 ~~230.303~~.

31 Section 901. Subsection (2) of section 145.19, Florida

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1 Statutes, is amended to read:

2 145.19 Annual percentage increases based on increase
3 for state career service employees; limitation.--

4 (2) Each fiscal year, the salaries of all officials
5 listed in this chapter and s. 1001.47 ~~ss. 230.202 and 230.303~~
6 shall be adjusted by the annual factor. The Department of
7 Management Services shall certify the annual factor and the
8 cumulative annual factors. The adjusted salary rate shall be
9 the product, rounded to the nearest dollar, of the salary rate
10 granted by the appropriate section of this chapter multiplied
11 first by the initial factor, then by the cumulative annual
12 factor, and finally by the annual factor. Any special
13 qualification salary received under this chapter shall be
14 added to such adjusted salary rate, which special
15 qualification salary shall be \$2,000, but shall not exceed
16 \$2,000.

17 Section 902. Section 153.77, Florida Statutes, is
18 amended to read:

19 153.77 District bonds as securities for public
20 bodies.--All revenue bonds, general obligation bonds, or
21 assessment bonds issued pursuant to this law shall be and
22 constitute legal investments for state, county, municipal, and
23 all other public funds and for banks, savings banks, insurance
24 companies, executors, administrators, trustees, and all other
25 fiduciaries and shall also be and constitute securities
26 eligible as collateral security for all state, county,
27 municipal, or other public funds, subject to the restrictions
28 and limitations of chapters 18, 136, ~~237~~, 518, 655, 657, 658,
29 ~~and~~ 660-665, and 1011.

30 Section 903. Subsection (22) of section 159.27,
31 Florida Statutes, is amended to read:

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1 159.27 Definitions.--The following words and terms,
2 unless the context clearly indicates a different meaning,
3 shall have the following meanings:

4 (22) "Educational facility" means:

5 (a) Property, limited to a structure suitable for use
6 as a dormitory or other housing facility or a dining facility,
7 that is operated in the public sector and used for or useful
8 in connection with the operation of an institution for higher
9 education, as defined in s. 243.20(8), which offers the
10 baccalaureate or a higher degree and that is constructed in
11 compliance with applicable codes as determined by appropriate
12 state agencies.

13 (b) Property that comprises the buildings and
14 equipment, structures, and special education use areas that
15 are built, installed, or established to serve primarily the
16 educational purposes of operating any nonprofit private
17 preschool, kindergarten, elementary school, middle school, or
18 high school that is established under chapter 617 or chapter
19 623, or that is owned or operated by an organization described
20 in s. 501(c)(3) of the United States Internal Revenue Code, or
21 operating any preschool, kindergarten, elementary school,
22 middle school, or high school that is owned or operated as
23 part of the state's system of public education, including, but
24 not limited to, a charter school or a developmental research
25 school operated under chapter 1002 ~~228~~. The requirements of
26 this part for the financing of projects through local agencies
27 shall also apply to such schools. Bonds issued under the
28 provisions of this part for such schools shall not be deemed
29 to constitute a debt, liability, or obligation of the state or
30 any political subdivision thereof, or a pledge of the faith
31 and credit of the state or of any such political subdivision,

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1 but shall be payable solely from the revenues provided
2 therefor.

3 Section 904. Paragraph (h) of subsection (6) and
4 paragraph (a) of subsection (12) of section 163.3177, Florida
5 Statutes, are amended to read:

6 163.3177 Required and optional elements of
7 comprehensive plan; studies and surveys.--

8 (6) In addition to the requirements of subsections
9 (1)-(5), the comprehensive plan shall include the following
10 elements:

11 (h)1. An intergovernmental coordination element
12 showing relationships and stating principles and guidelines to
13 be used in the accomplishment of coordination of the adopted
14 comprehensive plan with the plans of school boards and other
15 units of local government providing services but not having
16 regulatory authority over the use of land, with the
17 comprehensive plans of adjacent municipalities, the county,
18 adjacent counties, or the region, and with the state
19 comprehensive plan, as the case may require and as such
20 adopted plans or plans in preparation may exist. This element
21 of the local comprehensive plan shall demonstrate
22 consideration of the particular effects of the local plan,
23 when adopted, upon the development of adjacent municipalities,
24 the county, adjacent counties, or the region, or upon the
25 state comprehensive plan, as the case may require.

26 a. The intergovernmental coordination element shall
27 provide for procedures to identify and implement joint
28 planning areas, especially for the purpose of annexation,
29 municipal incorporation, and joint infrastructure service
30 areas.

31 b. The intergovernmental coordination element shall

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1 provide for recognition of campus master plans prepared
2 pursuant to s. 1013.30 ~~240-155~~.

3 c. The intergovernmental coordination element may
4 provide for a voluntary dispute resolution process as
5 established pursuant to s. 186.509 for bringing to closure in
6 a timely manner intergovernmental disputes. A local
7 government may develop and use an alternative local dispute
8 resolution process for this purpose.

9 2. The intergovernmental coordination element shall
10 further state principles and guidelines to be used in the
11 accomplishment of coordination of the adopted comprehensive
12 plan with the plans of school boards and other units of local
13 government providing facilities and services but not having
14 regulatory authority over the use of land. In addition, the
15 intergovernmental coordination element shall describe joint
16 processes for collaborative planning and decisionmaking on
17 population projections and public school siting, the location
18 and extension of public facilities subject to concurrency, and
19 siting facilities with countywide significance, including
20 locally unwanted land uses whose nature and identity are
21 established in an agreement. Within 1 year of adopting their
22 intergovernmental coordination elements, each county, all the
23 municipalities within that county, the district school board,
24 and any unit of local government service providers in that
25 county shall establish by interlocal or other formal agreement
26 executed by all affected entities, the joint processes
27 described in this subparagraph consistent with their adopted
28 intergovernmental coordination elements.

29 3. To foster coordination between special districts
30 and local general-purpose governments as local general-purpose
31 governments implement local comprehensive plans, each

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1 independent special district must submit a public facilities
2 report to the appropriate local government as required by s.
3 189.415.

4 4. The state land planning agency shall establish a
5 schedule for phased completion and transmittal of plan
6 amendments to implement subparagraphs 1., 2., and 3. from all
7 jurisdictions so as to accomplish their adoption by December
8 31, 1999. A local government may complete and transmit its
9 plan amendments to carry out these provisions prior to the
10 scheduled date established by the state land planning agency.
11 The plan amendments are exempt from the provisions of s.
12 163.3187(1).

13 (12) A public school facilities element adopted to
14 implement a school concurrency program shall meet the
15 requirements of this subsection.

16 (a) A public school facilities element shall be based
17 upon data and analyses that address, among other items, how
18 level-of-service standards will be achieved and maintained.
19 Such data and analyses must include, at a minimum, such items
20 as: the 5-year school district facilities work program adopted
21 pursuant to s. 1013.35 ~~235.185~~; the educational plant survey
22 and an existing educational and ancillary plant map or map
23 series; information on existing development and development
24 anticipated for the next 5 years and the long-term planning
25 period; an analysis of problems and opportunities for existing
26 schools and schools anticipated in the future; an analysis of
27 opportunities to collocate future schools with other public
28 facilities such as parks, libraries, and community centers; an
29 analysis of the need for supporting public facilities for
30 existing and future schools; an analysis of opportunities to
31 locate schools to serve as community focal points; projected

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1 future population and associated demographics, including
2 development patterns year by year for the upcoming 5-year and
3 long-term planning periods; and anticipated educational and
4 ancillary plants with land area requirements.

5 Section 905. Paragraph (k) of subsection (2) of
6 section 163.3191, Florida Statutes, is amended to read:

7 163.3191 Evaluation and appraisal of comprehensive
8 plan.--

9 (2) The report shall present an evaluation and
10 assessment of the comprehensive plan and shall contain
11 appropriate statements to update the comprehensive plan,
12 including, but not limited to, words, maps, illustrations, or
13 other media, related to:

14 (k) The coordination of the comprehensive plan with
15 existing public schools and those identified in the applicable
16 5-year school district facilities work program adopted
17 pursuant to s. 1013.35 ~~235.185~~. The assessment shall address,
18 where relevant, the success or failure of the coordination of
19 the future land use map and associated planned residential
20 development with public schools and their capacities, as well
21 as the joint decisionmaking processes engaged in by the local
22 government and the school board in regard to establishing
23 appropriate population projections and the planning and siting
24 of public school facilities. If the issues are not relevant,
25 the local government shall demonstrate that they are not
26 relevant.

27 Section 906. Paragraph (b) of subsection (3) of
28 section 195.096, Florida Statutes, is amended to read:

29 195.096 Review of assessment rolls.--

30 (3)

31 (b) When necessary for compliance with s. 1011.62

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1 ~~236.081~~, and for those counties not being studied in the
2 current year, the department shall project value-weighted mean
3 levels of assessment for each county. The department shall
4 make its projection based upon the best information available,
5 utilizing professionally accepted methodology, and shall
6 separately allocate changes in total assessed value to:
7 1. New construction, additions, and deletions.
8 2. Changes in the value of the dollar.
9 3. Changes in the market value of property other than
10 those attributable to changes in the value of the dollar.
11 4. Changes in the level of assessment.

12
13 In lieu of the statistical and analytical measures published
14 pursuant to paragraph (a), the department shall publish
15 details concerning the computation of estimated assessment
16 levels and the allocation of changes in assessed value for
17 those counties not subject to an in-depth review.

18 Section 907. Subsection (5) of section 196.012,
19 Florida Statutes, is amended to read:

20 196.012 Definitions.--For the purpose of this chapter,
21 the following terms are defined as follows, except where the
22 context clearly indicates otherwise:

23 (5) "Educational institution" means a federal, state,
24 parochial, church, or private school, college, or university
25 conducting regular classes and courses of study required for
26 eligibility to certification by, accreditation to, or
27 membership in the State Department of Education of Florida,
28 Southern Association of Colleges and Schools, or the Florida
29 Council of Independent Schools; a nonprofit private school the
30 principal activity of which is conducting regular classes and
31 courses of study accepted for continuing postgraduate dental

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1 education credit by a board of the Division of Medical Quality
2 Assurance; educational direct-support organizations created
3 pursuant to ss. 1001.24, 1004.28, and 1004.70 ~~229.8021,~~
4 ~~240.299, and 240.331~~; facilities located on the property of
5 eligible entities which will become owned by those entities on
6 a date certain; and institutions of higher education, as
7 defined under and participating in the Higher Educational
8 Facilities Financing Act.

9 Section 908. Subsection (4) of section 196.031,
10 Florida Statutes, is amended to read:

11 196.031 Exemption of homesteads.--

12 (4) The property appraisers of the various counties
13 shall each year compile a list of taxable property and its
14 value removed from the assessment rolls of each school
15 district as a result of the excess of exempt value above that
16 amount allowed for nonschool levies as provided in subsections
17 (1) and (3), as well as a statement of the loss of tax revenue
18 to each school district from levies other than the minimum
19 financial effort required pursuant to s. 1011.60(6) ~~236.02(6)~~,
20 and shall deliver a copy thereof to the Department of Revenue
21 upon certification of the assessment roll to the tax
22 collector.

23 Section 909. Section 196.1983, Florida Statutes, is
24 amended to read:

25 196.1983 Charter school exemption from ad valorem
26 taxes.--Any facility, or portion thereof, used to house a
27 charter school whose charter has been approved by the sponsor
28 and the governing board pursuant to s. 1002.33(9) ~~228.056(9)~~
29 shall be exempt from ad valorem taxes. For leasehold
30 properties, the landlord must certify by affidavit to the
31 charter school that the lease payments shall be reduced to the

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1 extent of the exemption received. The owner of the property
2 shall disclose to a charter school the full amount of the
3 benefit derived from the exemption and the method for ensuring
4 that the charter school receives such benefit. The charter
5 school shall receive the full benefit derived from the
6 exemption through either an annual or monthly credit to the
7 charter school's lease payments.

8 Section 910. Paragraphs (a), (b), and (d) of
9 subsection (3) of section 200.001, Florida Statutes, are
10 amended to read:

11 200.001 Millages; definitions and general
12 provisions.--

13 (3) School millages shall be composed of five
14 categories of millage rates, as follows:

15 (a) Nonvoted required school operating millage, which
16 shall be that nonvoted millage rate set by the county school
17 board for current operating purposes and imposed pursuant to
18 s. 1011.60(6) ~~236.02(6)~~.

19 (b) Nonvoted discretionary school operating millage,
20 which shall be that nonvoted millage rate set by the county
21 school board for operating purposes other than the rate
22 imposed pursuant to s. 1011.60(6) ~~236.02(6)~~ and other than the
23 rate authorized in s. 1011.71(2) ~~236.25(2)~~.

24 (d) Nonvoted district school capital improvement
25 millage, which shall be that millage rate set by the district
26 school board for capital improvements as authorized in s.
27 1011.71(2) ~~236.25(2)~~.

28 Section 911. Paragraph (a) of subsection (2),
29 paragraphs (c) and (d) of subsection (3), paragraph (a) of
30 subsection (9), subsection (10), and paragraph (b) of
31 subsection (12) of section 200.065, Florida Statutes, are

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1 amended to read:

2 200.065 Method of fixing millage.--

3 (2) No millage shall be levied until a resolution or
4 ordinance has been approved by the governing board of the
5 taxing authority which resolution or ordinance must be
6 approved by the taxing authority according to the following
7 procedure:

8 (a)1. Upon preparation of a tentative budget, but
9 prior to adoption thereof, each taxing authority shall compute
10 a proposed millage rate necessary to fund the tentative budget
11 other than the portion of the budget to be funded from sources
12 other than ad valorem taxes. In computing proposed or final
13 millage rates, each taxing authority shall utilize not less
14 than 95 percent of the taxable value certified pursuant to
15 subsection (1).

16 2. The tentative budget of the county commission shall
17 be prepared and submitted in accordance with s. 129.03.

18 3. The tentative budget of the school district shall
19 be prepared and submitted in accordance with chapter 1011 237,
20 provided that the date of submission shall not be later than
21 24 days after certification of value pursuant to subsection
22 (1).

23 4. Taxing authorities other than the county and school
24 district shall prepare and consider tentative and final
25 budgets in accordance with this section and applicable
26 provisions of law, including budget procedures applicable to
27 the taxing authority, provided such procedures do not conflict
28 with general law.

29 (3) The advertisement shall be no less than
30 one-quarter page in size of a standard size or a tabloid size
31 newspaper, and the headline in the advertisement shall be in a

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1 type no smaller than 18 point. The advertisement shall not be
 2 placed in that portion of the newspaper where legal notices
 3 and classified advertisements appear. The advertisement shall
 4 be published in a newspaper of general paid circulation in the
 5 county or in a geographically limited insert of such
 6 newspaper. The geographic boundaries in which such insert is
 7 circulated shall include the geographic boundaries of the
 8 taxing authority. It is the legislative intent that, whenever
 9 possible, the advertisement appear in a newspaper that is
 10 published at least 5 days a week unless the only newspaper in
 11 the county is published less than 5 days a week, or that the
 12 advertisement appear in a geographically limited insert of
 13 such newspaper which insert is published throughout the taxing
 14 authority's jurisdiction at least twice each week. It is
 15 further the legislative intent that the newspaper selected be
 16 one of general interest and readership in the community and
 17 not one of limited subject matter, pursuant to chapter 50.

18 (c) For school districts which have proposed a millage
 19 rate in excess of 100 percent of the rolled-back rate computed
 20 pursuant to subsection (1) and which propose to levy nonvoted
 21 millage in excess of the minimum amount required pursuant to
 22 s. 1011.60(6) ~~236.02(6)~~, the advertisement shall be in the
 23 following form:

24
 25 NOTICE OF PROPOSED TAX INCREASE
 26

27 The ...(name of school district)... will soon consider
 28 a measure to increase its property tax levy.

29 Last year's property tax levy:

30 A. Initially proposed tax levy.....\$XX,XXX,XXX

31 B. Less tax reductions due to Value Adjustment Board

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1 and other assessment changes.....(\$XX,XXX,XXX)

2 C. Actual property tax levy.....\$XX,XXX,XXX

3 This year's proposed tax levy.....\$XX,XXX,XXX

4 A portion of the tax levy is required under state law
5 in order for the school board to receive \$...(amount A)... in
6 state education grants. The required portion has ...(increased
7 or decreased)... by ...(amount B)... percent and represents
8 approximately ...(amount C)... of the total proposed taxes.

9 The remainder of the taxes is proposed solely at the
10 discretion of the school board.

11 All concerned citizens are invited to a public hearing
12 on the tax increase to be held on ...(date and time)... at
13 ...(meeting place)....

14 A DECISION on the proposed tax increase and the budget
15 will be made at this hearing.

16
17 1. AMOUNT A shall be an estimate, provided by the
18 Department of Education, of the amount to be received in the
19 current fiscal year by the district from state appropriations
20 for the Florida Education Finance Program.

21 2. AMOUNT B shall be the percent increase over the
22 rolled-back rate necessary to levy only the required local
23 effort in the current fiscal year, computed as though in the
24 preceding fiscal year only the required local effort was
25 levied.

26 3. AMOUNT C shall be the quotient of required
27 local-effort millage divided by the total proposed nonvoted
28 millage, rounded to the nearest tenth and stated in words;
29 however, the stated amount shall not exceed nine-tenths.

30
31 (d) For school districts which have proposed a millage

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1 rate in excess of 100 percent of the rolled-back rate computed
2 pursuant to subsection (1) and which propose to levy as
3 nonvoted millage only the minimum amount required pursuant to
4 s. 1011.60(6) ~~236.02(6)~~, the advertisement shall be the same
5 as provided in paragraph (c), except that the second and third
6 paragraphs shall be replaced with the following paragraph:

7
8 This increase is required under state law in order for
9 the school board to receive \$...(amount A)... in state
10 education grants.

11
12 (9)(a) In addition to the notice required in
13 subsection (3), a district school board shall publish a second
14 notice of intent to levy additional taxes under s. 1011.71(2)
15 ~~236.25(2)~~. Such notice shall specify the projects or number
16 of school buses anticipated to be funded by such additional
17 taxes and shall be published in the size, within the time
18 periods, adjacent to, and in substantial conformity with the
19 advertisement required under subsection (3). The projects
20 shall be listed in priority within each category as follows:
21 construction and remodeling; maintenance, renovation, and
22 repair; motor vehicle purchases; new and replacement
23 equipment; payments for educational facilities and sites due
24 under a lease-purchase agreement; payments for renting and
25 leasing educational facilities and sites; payments of loans
26 approved pursuant to ss. 1011.14 ~~237.161~~ and 1011.15 ~~237.162~~;
27 payment of costs of compliance with environmental statutes and
28 regulations; and payment of costs of leasing relocatable
29 educational facilities. The additional notice shall be in the
30 following form, except that if the district school board is
31 proposing to levy the same millage under s. 1011.71(2)

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1 ~~236.25(2)~~ which it levied in the prior year, the words
2 "continue to" shall be inserted before the word "impose" in
3 the first sentence, and except that the second sentence of the
4 second paragraph shall be deleted if the district is
5 advertising pursuant to paragraph (3)(e):

6
7 NOTICE OF TAX FOR SCHOOL
8 CAPITAL OUTLAY
9

10 The ...(name of school district)... will soon consider
11 a measure to impose a ...(number)... mill property tax for the
12 capital outlay projects listed herein.

13 This tax is in addition to the school board's proposed
14 tax of ...(number)... mills for operating expenses and is
15 proposed solely at the discretion of the school board. THE
16 PROPOSED COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING
17 EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

18 The capital outlay tax will generate approximately
19 \$...(amount)..., to be used for the following projects:

20
21 ...(list of capital outlay projects)...
22

23 All concerned citizens are invited to a public hearing
24 to be held on ...(date and time)... at ...(meeting place)....

25 A DECISION on the proposed CAPITAL OUTLAY TAXES will be
26 made at this hearing.
27

28 (10) Notwithstanding the provisions of paragraph
29 (2)(b) and s. 200.069(4)(c) to the contrary, the proposed
30 millage rates provided to the property appraiser by the taxing
31 authority, except for millage rates adopted by referendum, for

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1 rates authorized by s. 1011.71 ~~236.25~~, and for rates required
2 by law to be in a specified millage amount, shall be adjusted
3 in the event that a review notice is issued pursuant to s.
4 193.1142(4) and the taxable value on the approved roll is at
5 variance with the taxable value certified pursuant to
6 subsection (1). The adjustment shall be made by the property
7 appraiser, who shall notify the taxing authorities affected by
8 the adjustment within 5 days of the date the roll is approved
9 pursuant to s. 193.1142(4). The adjustment shall be such as
10 to provide for no change in the dollar amount of taxes levied
11 from that initially proposed by the taxing authority.

12 (12)

13 (b) Within 30 days of the deadline for certification
14 of compliance required by s. 200.068, the department shall
15 notify any taxing authority in violation of this section that
16 it is subject to paragraph (c). Except for revenues from voted
17 levies or levies imposed pursuant to s. 1011.60(6) ~~236.02(6)~~,
18 the revenues of any taxing authority in violation of this
19 section collected in excess of the rolled-back rate shall be
20 held in escrow until the process required by paragraph (c) is
21 completed and approved by the department. The department shall
22 direct the tax collector to so hold such funds.

23 Section 912. Subsection (3) and paragraph (a) of
24 subsection (4) of section 200.069, Florida Statutes, are
25 amended to read:

26 200.069 Notice of proposed property taxes and non-ad
27 valorem assessments.--Pursuant to s. 200.065(2)(b), the
28 property appraiser, in the name of the taxing authorities and
29 local governing boards levying non-ad valorem assessments
30 within his or her jurisdiction and at the expense of the
31 county, shall prepare and deliver by first-class mail to each

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1 taxpayer to be listed on the current year's assessment roll a
2 notice of proposed property taxes, which notice shall be in
3 substantially the following form. Notwithstanding the
4 provisions of s. 195.022, no county officer shall use a form
5 other than that provided by the department for this purpose,
6 except as provided in s. 200.065(13).

7 (3) There shall be under each column heading an entry
8 for the county; the school district levy required pursuant to
9 s. 1011.60(6) ~~236.02(6)~~; other operating school levies; the
10 municipality or municipal service taxing unit or units in
11 which the parcel lies, if any; the water management district
12 levying pursuant to s. 373.503; the independent special
13 districts in which the parcel lies, if any; and for all voted
14 levies for debt service applicable to the parcel, if any.

15 (4) For each entry listed in subsection (3), there
16 shall appear on the notice the following:

17 (a) In the first column, a brief, commonly used name
18 for the taxing authority or its governing body. The entry in
19 the first column for the levy required pursuant to s.
20 1011.60(6) ~~236.02(6)~~ shall be "By State Law." The entry for
21 other operating school district levies shall be "By Local
22 Board." Both school levy entries shall be indented and
23 preceded by the notation "Public Schools:". For each voted
24 levy for debt service, the entry shall be "Voter Approved Debt
25 Payments."

26 Section 913. Subsection (2) of section 201.24, Florida
27 Statutes, is amended to read:

28 201.24 Obligations of municipalities, political
29 subdivisions, and agencies of the state.--There shall be
30 exempt from all taxes imposed by this chapter:

31 (2) Any assignment, transfer, or other disposition, or

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1 any document, which arises out of a rental, lease, or
2 lease-purchase for real property agreement entered pursuant to
3 s. 1013.15(2) or (4) ~~235.056(2) or (3)~~.

4 Section 914. Paragraph (b) of subsection (2) of
5 section 210.20, Florida Statutes, is amended to read:

6 210.20 Employees and assistants; distribution of
7 funds.--

8 (2) As collections are received by the division from
9 such cigarette taxes, it shall pay the same into a trust fund
10 in the State Treasury designated "Cigarette Tax Collection
11 Trust Fund" which shall be paid and distributed as follows:

12 (b) Beginning January 1, 1999, and continuing for 10
13 years thereafter, the division shall from month to month
14 certify to the Comptroller the amount derived from the
15 cigarette tax imposed by s. 210.02, less the service charges
16 provided for in s. 215.20 and less 0.9 percent of the amount
17 derived from the cigarette tax imposed by s. 210.02 which
18 shall be deposited into the Alcoholic Beverage and Tobacco
19 Trust Fund, specifying an amount equal to 2.59 percent of the
20 net collections, and that amount shall be paid to the Board of
21 Directors of the H. Lee Moffitt Cancer Center and Research
22 Institute, established under s. 1004.43 ~~240.512~~, by warrant
23 drawn by the Comptroller upon the State Treasury. These funds
24 are hereby appropriated monthly out of the Cigarette Tax
25 Collection Trust Fund, to be used for the purpose of
26 constructing, furnishing, and equipping a cancer research
27 facility at the University of South Florida adjacent to the H.
28 Lee Moffitt Cancer Center and Research Institute. In fiscal
29 years 1999-2000 and thereafter with the exception of fiscal
30 year 2008-2009, the appropriation to the H. Lee Moffitt Cancer
31 Center and Research Institute authorized by this paragraph

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1 shall not be less than the amount which would have been paid
2 to the H. Lee Moffitt Cancer Center and Research Institute for
3 fiscal year 1998-1999 had payments been made for the entire
4 fiscal year rather than for a 6-month period thereof.

5 Section 915. Paragraph (a) of subsection (2) of
6 section 212.04, Florida Statutes, is amended to read:

7 212.04 Admissions tax; rate, procedure, enforcement.--

8 (2)(a)1. No tax shall be levied on admissions to
9 athletic or other events sponsored by elementary schools,
10 junior high schools, middle schools, high schools, community
11 colleges, public or private colleges and universities, deaf
12 and blind schools, facilities of the youth services programs
13 of the Department of Children and Family Services, and state
14 correctional institutions when only student, faculty, or
15 inmate talent is used. However, this exemption shall not apply
16 to admission to athletic events sponsored by ~~a an institution~~
17 ~~within the~~ state university System, and the proceeds of the
18 tax collected on such admissions shall be retained and used by
19 each institution to support women's athletics as provided in
20 s. 1006.71(2)(c) ~~240.533(3)(c)~~.

21 2.a. No tax shall be levied on dues, membership fees,
22 and admission charges imposed by not-for-profit sponsoring
23 organizations. To receive this exemption, the sponsoring
24 organization must qualify as a not-for-profit entity under the
25 provisions of s. 501(c)(3) of the Internal Revenue Code of
26 1954, as amended.

27 b. No tax shall be levied on admission charges to an
28 event sponsored by a governmental entity, sports authority, or
29 sports commission when held in a convention hall, exhibition
30 hall, auditorium, stadium, theater, arena, civic center,
31 performing arts center, or publicly owned recreational

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1 facility and when 100 percent of the risk of success or
2 failure lies with the sponsor of the event and 100 percent of
3 the funds at risk for the event belong to the sponsor, and
4 student or faculty talent is not exclusively used. As used in
5 this sub-subparagraph, the terms "sports authority" and
6 "sports commission" mean a nonprofit organization that is
7 exempt from federal income tax under s. 501(c)(3) of the
8 Internal Revenue Code and that contracts with a county or
9 municipal government for the purpose of promoting and
10 attracting sports-tourism events to the community with which
11 it contracts.

12 3. No tax shall be levied on an admission paid by a
13 student, or on the student's behalf, to any required place of
14 sport or recreation if the student's participation in the
15 sport or recreational activity is required as a part of a
16 program or activity sponsored by, and under the jurisdiction
17 of, the student's educational institution, provided his or her
18 attendance is as a participant and not as a spectator.

19 4. No tax shall be levied on admissions to the
20 National Football League championship game, on admissions to
21 any semifinal game or championship game of a national
22 collegiate tournament, or on admissions to a Major League
23 Baseball all-star game.

24 5. A participation fee or sponsorship fee imposed by a
25 governmental entity as described in s. 212.08(6) for an
26 athletic or recreational program is exempt when the
27 governmental entity by itself, or in conjunction with an
28 organization exempt under s. 501(c)(3) of the Internal Revenue
29 Code of 1954, as amended, sponsors, administers, plans,
30 supervises, directs, and controls the athletic or recreational
31 program.

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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

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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 916. 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

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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

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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

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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 917. Section 212.0602, Florida Statutes, is
30 amended to read:

31 212.0602 Education; limited exemption.--To facilitate

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1 investment in education and job training, there is also exempt
2 from the taxes levied under this chapter, subject to the
3 provisions of this section, the purchase or lease of
4 materials, equipment, and other items or the license in or
5 lease of real property by any entity, institution, or
6 organization that is primarily engaged in teaching students to
7 perform any of the activities or services described in s.
8 212.031(1)(a)9., that conducts classes at a fixed location
9 located in this state, that is licensed under chapter 1005
10 ~~246~~, and that has at least 500 enrolled students. Any entity,
11 institution, or organization meeting the requirements of this
12 section shall be deemed to qualify for the exemptions in ss.
13 212.031(1)(a)9. and 212.08(5)(f) and (12), and to qualify for
14 an exemption for its purchase or lease of materials,
15 equipment, and other items used for education or demonstration
16 of the school's curriculum, including supporting operations.
17 Nothing in this section shall preclude an entity described in
18 this section from qualifying for any other exemption provided
19 for in this chapter.

20 Section 918. Paragraph (q) of subsection (5) of
21 section 212.08, Florida Statutes, is amended to read:

22 212.08 Sales, rental, use, consumption, distribution,
23 and storage tax; specified exemptions.--The sale at retail,
24 the rental, the use, the consumption, the distribution, and
25 the storage to be used or consumed in this state of the
26 following are hereby specifically exempt from the tax imposed
27 by this chapter.

28 (5) EXEMPTIONS; ACCOUNT OF USE.--

29 (q) Community contribution tax credit for donations.--

30 1. Authorization.--Beginning July 1, 2001, persons who
31 are registered with the department under s. 212.18 to collect

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1 or remit sales or use tax and who make donations to eligible
2 sponsors are eligible for tax credits against their state
3 sales and use tax liabilities as provided in this paragraph:
4 a. The credit shall be computed as 50 percent of the
5 person's approved annual community contribution;
6 b. The credit shall be granted as a refund against
7 state sales and use taxes reported on returns and remitted in
8 the 12 months preceding the date of application to the
9 department for the credit as required in sub-subparagraph 3.c.
10 If the annual credit is not fully used through such refund
11 because of insufficient tax payments during the applicable
12 12-month period, the unused amount may be included in an
13 application for a refund made pursuant to sub-subparagraph
14 3.c. in subsequent years against the total tax payments made
15 for such year. Carryover credits may be applied for a 3-year
16 period without regard to any time limitation that would
17 otherwise apply under s. 215.26;
18 c. No person shall receive more than \$200,000 in
19 annual tax credits for all approved community contributions
20 made in any one year;
21 d. All proposals for the granting of the tax credit
22 shall require the prior approval of the Office of Tourism,
23 Trade, and Economic Development;
24 e. The total amount of tax credits which may be
25 granted for all programs approved under this paragraph, s.
26 220.183, and s. 624.5105 is \$10 million annually; and
27 f. A person who is eligible to receive the credit
28 provided for in this paragraph, s. 220.183, or s. 624.5105 may
29 receive the credit only under the one section of the person's
30 choice.
31 2. Eligibility requirements.--

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1 a. A community contribution by a person must be in the
2 following form:

3 (I) Cash or other liquid assets;

4 (II) Real property;

5 (III) Goods or inventory; or

6 (IV) Other physical resources as identified by the
7 Office of Tourism, Trade, and Economic Development.

8 b. All community contributions must be reserved
9 exclusively for use in a project. As used in this
10 sub-subparagraph, the term "project" means any activity
11 undertaken by an eligible sponsor which is designed to
12 construct, improve, or substantially rehabilitate housing that
13 is affordable to low-income or very-low-income households as
14 defined in s. 420.9071(19) and (28); designed to provide
15 commercial, industrial, or public resources and facilities; or
16 designed to improve entrepreneurial and job-development
17 opportunities for low-income persons. A project may be the
18 investment necessary to increase access to high-speed
19 broadband capability in rural communities with enterprise
20 zones, including projects that result in improvements to
21 communications assets that are owned by a business. A project
22 may include the provision of museum educational programs and
23 materials that are directly related to any project approved
24 between January 1, 1996, and December 31, 1999, and located in
25 an enterprise zone as referenced in s. 290.00675. This
26 paragraph does not preclude projects that propose to construct
27 or rehabilitate housing for low-income or very-low-income
28 households on scattered sites. The Office of Tourism, Trade,
29 and Economic Development may reserve up to 50 percent of the
30 available annual tax credits for housing for very-low-income
31 households pursuant to s. 420.9071(28) for the first 6 months

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1 of the fiscal year. With respect to housing, contributions may
2 be used to pay the following eligible low-income and
3 very-low-income housing-related activities:

4 (I) Project development impact and management fees for
5 low-income or very-low-income housing projects;

6 (II) Down payment and closing costs for eligible
7 persons, as defined in s. 420.9071(19) and (28);

8 (III) Administrative costs, including housing
9 counseling and marketing fees, not to exceed 10 percent of the
10 community contribution, directly related to low-income or
11 very-low-income projects; and

12 (IV) Removal of liens recorded against residential
13 property by municipal, county, or special district local
14 governments when satisfaction of the lien is a necessary
15 precedent to the transfer of the property to an eligible
16 person, as defined in s. 420.9071(19) and (28), for the
17 purpose of promoting home ownership. Contributions for lien
18 removal must be received from a nonrelated third party.

19 c. The project must be undertaken by an "eligible
20 sponsor," which includes:

21 (I) A community action program;

22 (II) A nonprofit community-based development
23 organization whose mission is the provision of housing for
24 low-income or very-low-income households or increasing
25 entrepreneurial and job-development opportunities for
26 low-income persons;

27 (III) A neighborhood housing services corporation;

28 (IV) A local housing authority created under chapter
29 421;

30 (V) A community redevelopment agency created under s.
31 163.356;

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- 1 (VI) The Florida Industrial Development Corporation;
- 2 (VII) A historic preservation district agency or
- 3 organization;
- 4 (VIII) A regional workforce board;
- 5 (IX) A direct-support organization as provided in s.
- 6 1009.983 ~~240.551~~;
- 7 (X) An enterprise zone development agency created
- 8 under s. 290.0056;
- 9 (XI) A community-based organization incorporated under
- 10 chapter 617 which is recognized as educational, charitable, or
- 11 scientific pursuant to s. 501(c)(3) of the Internal Revenue
- 12 Code and whose bylaws and articles of incorporation include
- 13 affordable housing, economic development, or community
- 14 development as the primary mission of the corporation;
- 15 (XII) Units of local government;
- 16 (XIII) Units of state government; or
- 17 (XIV) Any other agency that the Office of Tourism,
- 18 Trade, and Economic Development designates by rule.
- 19
- 20 In no event may a contributing person have a financial
- 21 interest in the eligible sponsor.
- 22 d. The project must be located in an area designated
- 23 an enterprise zone or a Front Porch Florida Community pursuant
- 24 to s. 14.2015(9)(b), unless the project increases access to
- 25 high-speed broadband capability for rural communities with
- 26 enterprise zones but is physically located outside the
- 27 designated rural zone boundaries. Any project designed to
- 28 construct or rehabilitate housing for low-income or
- 29 very-low-income households as defined in s. 420.0971(19) and
- 30 (28) is exempt from the area requirement of this
- 31 sub-subparagraph.

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1 3. Application requirements.--

2 a. Any eligible sponsor seeking to participate in this
3 program must submit a proposal to the Office of Tourism,
4 Trade, and Economic Development which sets forth the name of
5 the sponsor, a description of the project, and the area in
6 which the project is located, together with such supporting
7 information as is prescribed by rule. The proposal must also
8 contain a resolution from the local governmental unit in which
9 the project is located certifying that the project is
10 consistent with local plans and regulations.

11 b. Any person seeking to participate in this program
12 must submit an application for tax credit to the Office of
13 Tourism, Trade, and Economic Development which sets forth the
14 name of the sponsor, a description of the project, and the
15 type, value, and purpose of the contribution. The sponsor
16 shall verify the terms of the application and indicate its
17 receipt of the contribution, which verification must be in
18 writing and accompany the application for tax credit. The
19 person must submit a separate tax credit application to the
20 office for each individual contribution that it makes to each
21 individual project.

22 c. Any person who has received notification from the
23 Office of Tourism, Trade, and Economic Development that a tax
24 credit has been approved must apply to the department to
25 receive the refund. Application must be made on the form
26 prescribed for claiming refunds of sales and use taxes and be
27 accompanied by a copy of the notification. A person may submit
28 only one application for refund to the department within any
29 12-month period.

30 4. Administration.--

31 a. The Office of Tourism, Trade, and Economic

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1 Development may adopt rules pursuant to ss. 120.536(1) and
2 120.54 necessary to administer this paragraph, including rules
3 for the approval or disapproval of proposals by a person.

4 b. The decision of the Office of Tourism, Trade, and
5 Economic Development must be in writing, and, if approved, the
6 notification shall state the maximum credit allowable to the
7 person. Upon approval, the office shall transmit a copy of the
8 decision to the Department of Revenue.

9 c. The Office of Tourism, Trade, and Economic
10 Development shall periodically monitor all projects in a
11 manner consistent with available resources to ensure that
12 resources are used in accordance with this paragraph; however,
13 each project must be reviewed at least once every 2 years.

14 d. The Office of Tourism, Trade, and Economic
15 Development shall, in consultation with the Department of
16 Community Affairs, the Florida Housing Finance Corporation,
17 and the statewide and regional housing and financial
18 intermediaries, market the availability of the community
19 contribution tax credit program to community-based
20 organizations.

21 5. Expiration.--This paragraph expires June 30, 2005;
22 however, any accrued credit carryover that is unused on that
23 date may be used until the expiration of the 3-year carryover
24 period for such credit.

25 Section 919. Subsection (6) of section 213.053,
26 Florida Statutes, is amended to read:

27 213.053 Confidentiality and information sharing.--

28 (6) Any information received by the Department of
29 Revenue in connection with the administration of taxes,
30 including, but not limited to, information contained in
31 returns, reports, accounts, or declarations filed by persons

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1 subject to tax, shall be made available by the department to
2 the Auditor General or his or her authorized agent, the
3 director of the Office of Program Policy Analysis and
4 Government Accountability or his or her authorized agent, the
5 Comptroller or his or her authorized agent, the Insurance
6 Commissioner or his or her authorized agent, the Treasurer or
7 his or her authorized agent, or a property appraiser or tax
8 collector or their authorized agents pursuant to s.
9 195.084(1), in the performance of their official duties, or to
10 designated employees of the Department of Education solely for
11 determination of each school district's price level index
12 pursuant to s. 1011.62(2) ~~236.081(2)~~; however, no information
13 shall be disclosed to the Auditor General or his or her
14 authorized agent, the director of the Office of Program Policy
15 Analysis and Government Accountability or his or her
16 authorized agent, the Comptroller or his or her authorized
17 agent, the Insurance Commissioner or his or her authorized
18 agent, the Treasurer or his or her authorized agent, or to a
19 property appraiser or tax collector or their authorized
20 agents, or to designated employees of the Department of
21 Education if such disclosure is prohibited by federal law. The
22 Auditor General or his or her authorized agent, the director
23 of the Office of Program Policy Analysis and Government
24 Accountability or his or her authorized agent, the Comptroller
25 or his or her authorized agent, the Treasurer or his or her
26 authorized agent, and the property appraiser or tax collector
27 and their authorized agents, or designated employees of the
28 Department of Education shall be subject to the same
29 requirements of confidentiality and the same penalties for
30 violation of the requirements as the department. For the
31 purpose of this subsection, "designated employees of the

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1 Department of Education" means only those employees directly
2 responsible for calculation of price level indices pursuant to
3 s. 1011.62(2) ~~236.081(2)~~. It does not include the supervisors
4 of such employees or any other employees or elected officials
5 within the Department of Education.

6 Section 920. Paragraph (j) of subsection (4) of
7 section 215.20, Florida Statutes, is amended to read:

8 215.20 Certain income and certain trust funds to
9 contribute to the General Revenue Fund.--

10 (4) The income of a revenue nature deposited in the
11 following described trust funds, by whatever name designated,
12 is that from which the deductions authorized by subsection (3)
13 shall be made:

14 (j) The Educational Certification and Service Trust
15 Fund created by s. 1012.59 ~~231.30~~.

16
17 The enumeration of the foregoing moneys or trust funds shall
18 not prohibit the applicability thereto of s. 215.24 should the
19 Governor determine that for the reasons mentioned in s. 215.24
20 the money or trust funds should be exempt herefrom, as it is
21 the purpose of this law to exempt income from its force and
22 effect when, by the operation of this law, federal matching
23 funds or contributions or private grants to any trust fund
24 would be lost to the state.

25 Section 921. Subsection (2) of section 215.82, Florida
26 Statutes, is amended to read:

27 215.82 Validation; when required.--

28 (2) Any bonds issued pursuant to this act which are
29 validated shall be validated in the manner provided by chapter
30 75. In actions to validate bonds to be issued in the name of
31 the State Board of Education under s. 9(a) and (d), Art. XII

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1 of the State Constitution and bonds to be issued pursuant to
2 chapter 259, the Land Conservation Act of 1972, the complaint
3 shall be filed in the circuit court of the county where the
4 seat of state government is situated, the notice required to
5 be published by s. 75.06 shall be published only in the county
6 where the complaint is filed, and the complaint and order of
7 the circuit court shall be served only on the state attorney
8 of the circuit in which the action is pending. In any action
9 to validate bonds issued pursuant to ss. 1010.61-1010.619 ~~part~~
10 ~~of chapter 243~~ or issued pursuant to s. 9(a)(1), Art. XII of
11 the State Constitution or issued pursuant to s. 215.605 or s.
12 338.227, the complaint shall be filed in the circuit court of
13 the county where the seat of state government is situated, the
14 notice required to be published by s. 75.06 shall be published
15 in a newspaper of general circulation in the county where the
16 complaint is filed and in two other newspapers of general
17 circulation in the state, and the complaint and order of the
18 circuit court shall be served only on the state attorney of
19 the circuit in which the action is pending; provided, however,
20 that if publication of notice pursuant to this section would
21 require publication in more newspapers than would publication
22 pursuant to s. 75.06, such publication shall be made pursuant
23 to s. 75.06.

24 Section 922. Subsection (7) of section 216.181,
25 Florida Statutes, is amended to read:

26 216.181 Approved budgets for operations and fixed
27 capital outlay.--

28 (7) The Executive Office of the Governor may, for the
29 purpose of improved contract administration, authorize the
30 consolidation of two or more fixed capital outlay
31 appropriations for an agency, and the Chief Justice of the

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1 Supreme Court for the judicial branch, except for projects
2 authorized under chapter 1013 235, provided the original scope
3 and purpose of each project are not changed.

4 Section 923. Subsection (3) of section 216.301,
5 Florida Statutes, is amended to read:

6 216.301 Appropriations; undisbursed balances.--

7 (3) Notwithstanding the provisions of subsection (2),
8 the unexpended balance of any appropriation for fixed capital
9 outlay subject to but not under the terms of a binding
10 contract or a general construction contract prior to February
11 1 of the second fiscal year, or the third fiscal year if it is
12 for an educational facility as defined in chapter 1013 235 or
13 a construction project of the Board of Regents, of the
14 appropriation shall revert on February 1 of such year to the
15 fund from which appropriated and shall be available for
16 reappropriation. The Executive Office of the Governor shall,
17 not later than February 20 of each year, furnish the
18 Comptroller, the legislative appropriations committees, and
19 the Auditor General a report listing in detail the items and
20 amounts reverting under the authority of this subsection,
21 including the fund to which reverted and the agency affected.

22 Section 924. Paragraphs (e) and (f) of subsection (1)
23 of section 218.39, Florida Statutes, are amended to read:

24 218.39 Annual financial audit reports.--

25 (1) If, by the first day in any fiscal year, a local
26 governmental entity, district school board, charter school, or
27 charter technical career center has not been notified that a
28 financial audit for that fiscal year will be performed by the
29 Auditor General, each of the following entities shall have an
30 annual financial audit of its accounts and records completed
31 within 12 months after the end of its fiscal year by an

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1 independent certified public accountant retained by it and
2 paid from its public funds:

3 (e) Each charter school established under s. 1002.33
4 ~~228.056~~.

5 (f) Each charter technical center established under s.
6 1002.34 ~~228.505~~.

7 Section 925. Paragraph (c) of subsection (2) of
8 section 220.183, Florida Statutes, is amended to read:

9 220.183 Community contribution tax credit.--

10 (2) ELIGIBILITY REQUIREMENTS.--

11 (c) The project must be undertaken by an "eligible
12 sponsor," defined here as:

13 1. A community action program;

14 2. A nonprofit community-based development
15 organization whose mission is the provision of housing for
16 low-income or very-low-income households or increasing
17 entrepreneurial and job-development opportunities for
18 low-income persons;

19 3. A neighborhood housing services corporation;

20 4. A local housing authority, created pursuant to
21 chapter 421;

22 5. A community redevelopment agency, created pursuant
23 to s. 163.356;

24 6. The Florida Industrial Development Corporation;

25 7. An historic preservation district agency or
26 organization;

27 8. A regional workforce board;

28 9. A direct-support organization as provided in s.
29 1009.983 ~~240.551~~;

30 10. An enterprise zone development agency created
31 pursuant to s. 290.0056;

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1 11. A community-based organization incorporated under
2 chapter 617 which is recognized as educational, charitable, or
3 scientific pursuant to s. 501(c)(3) of the Internal Revenue
4 Code and whose bylaws and articles of incorporation include
5 affordable housing, economic development, or community
6 development as the primary mission of the corporation;

7 12. Units of local government;

8 13. Units of state government; or

9 14. Such other agency as the Office of Tourism, Trade,
10 and Economic Development may, from time to time, designate by
11 rule.

12
13 In no event shall a contributing business firm have a
14 financial interest in the eligible sponsor.

15 Section 926. Subsection (1) of section 222.22, Florida
16 Statutes, is amended to read:

17 222.22 Exemption of moneys in the Prepaid College
18 Trust Fund or in a Medical Savings Account from legal
19 process.--

20 (1)(a) Moneys paid into or out of the Florida Prepaid
21 College Trust Fund by or on behalf of a purchaser or qualified
22 beneficiary pursuant to an advance payment contract made under
23 part IV of chapter 1009 s. 240.551, which contract has not
24 been terminated, are not liable to attachment, garnishment, or
25 legal process in the state in favor of any creditor of the
26 purchaser or beneficiary of such advance payment contract.

27 (b) Moneys paid into or out of the Prepaid College
28 Trust Fund by or on behalf of a benefactor or designated
29 beneficiary pursuant to a participation agreement made under
30 s. 1009.981 240.553, which agreement has not been terminated,
31 are not liable to attachment, garnishment, or legal process in

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1 the state in favor of any creditor of the purchaser or
2 beneficiary of such participation agreement.

3 Section 927. Subsection (4) of section 250.115,
4 Florida Statutes, is amended to read:

5 250.115 Department of Military Affairs direct-support
6 organization.--

7 (4) ACTIVITIES; RESTRICTIONS.--Any transaction or
8 agreement between the direct-support organization organized
9 pursuant to this section and another direct-support
10 organization or center of technology innovation designated
11 under s. 1004.77 ~~240.3335~~ must be approved by the Adjutant
12 General.

13 Section 928. Section 255.0515, Florida Statutes, is
14 amended to read:

15 255.0515 Bids for state contracts; substitution of
16 subcontractors.--With respect to state contracts let pursuant
17 to competitive bidding, whether under chapter 1013 ~~235~~,
18 relating to educational facilities, or this chapter, relating
19 to public buildings, the contractor shall not remove or
20 replace subcontractors listed in the bid subsequent to the
21 lists being made public at the bid opening, except upon good
22 cause shown.

23 Section 929. Section 255.0516, Florida Statutes, is
24 amended to read:

25 255.0516 Bid protests by educational boards.--With
26 respect to state contracts and bids pursuant to competitive
27 bidding, whether under chapter 1013 ~~235~~, relating to
28 educational facilities, or under this chapter, relating to
29 public buildings, if a school board, a community college board
30 of trustees, or a state university board of trustees ~~the Board~~
31 ~~of Regents~~ uses procedures pursuant to chapter 120 for bid

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1 protests, the board may require the protestor to post a bond
2 amounting to:

3 (1) Twenty-five thousand dollars or 2 percent of the
4 lowest accepted bid, whichever is greater, for projects valued
5 over \$500,000; and

6 (2) Five percent of the lowest accepted bid for all
7 other projects,

8
9 conditioned upon payment of all costs and fees which may be
10 adjudged against the protestor in the administrative hearing.
11 If at the hearing the agency prevails, it shall recover all
12 costs and attorney's fees from the protestor; if the protestor
13 prevails, the protestor shall recover from the agency all
14 costs and attorney's fees.

15 Section 930. Paragraph (e) of subsection (1) of
16 section 265.2861, Florida Statutes, is amended to read:

17 265.2861 Cultural Institutions Program; trust fund.--

18 (1) CULTURAL INSTITUTIONS TRUST FUND.--There is
19 created a Cultural Institutions Trust Fund to be administered
20 by the Department of State for the purposes set forth in this
21 section and to support the following programs as follows:

22 (e)1. For the officially designated Art Museum of the
23 State of Florida described in s. 1004.45 ~~240.711~~, \$2.2
24 million, and for state-owned cultural facilities assigned to
25 the Department of State, which receive a portion of any
26 operating funds from the Department of State and one of the
27 primary purposes of which is the presentation of fine arts or
28 performing arts, \$500,000.

29 2. For fiscal year 2001-2002 only, the provisions of
30 subparagraph 1. relating to state-owned cultural facilities
31 shall not be applicable. This subparagraph expires July 1,

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1 2002.

2

3 The trust fund shall consist of moneys appropriated by the
4 Legislature, moneys deposited pursuant to s. 607.1901(2), and
5 moneys contributed to the fund from any other source.

6 Section 931. Paragraph (d) of subsection (5) of
7 section 265.603, Florida Statutes, is amended to read:

8 265.603 Definitions relating to Cultural Endowment
9 Program.--The following terms and phrases when used in ss.
10 265.601-265.607 shall have the meaning ascribed to them in
11 this section, except where the context clearly indicates a
12 different meaning:

13 (5) "Sponsoring organization" means a cultural
14 organization which:

15 (d) Is primarily and directly responsible for
16 conducting, creating, producing, presenting, staging, or
17 sponsoring a cultural exhibit, performance, or event. This
18 provision includes museums owned and operated by political
19 subdivisions of the state, except those constituted pursuant
20 to s. 1004.67 ~~240.317~~.

21 Section 932. Subsection (8) of section 267.173,
22 Florida Statutes, is amended to read:

23 267.173 Historic preservation in West Florida; goals;
24 contracts for historic preservation; powers and duties.--

25 (8) Notwithstanding any other provision of law, the
26 University of West Florida and its direct-support organization
27 are eligible to match state funds in the Trust Fund for Major
28 Gifts established pursuant to s. 1011.94 ~~240.2605~~.

29 Section 933. Subsections (4), (5), (7), and (9) of
30 section 267.1732, Florida Statutes, are amended to read:

31 267.1732 Direct-support organization.--

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1 (4) The university may authorize a direct-support
2 organization to use its property (except money), facilities,
3 and personal services, subject to the provisions of this
4 section and s. 1004.28 ~~240.299~~. A direct-support organization
5 that does not provide equal employment opportunities to all
6 persons regardless of race, color, religion, sex, age, or
7 national origin may not use the property, facilities, or
8 personal services of the university. For the purposes of this
9 subsection, the term "personal services" includes full-time
10 personnel and part-time personnel as well as payroll
11 processing.

12 (5) The university shall establish policies and may
13 adopt rules pursuant to s. 1004.28 ~~240.299~~ prescribing the
14 procedures by which the direct-support organization is
15 governed and any conditions with which a direct-support
16 organization must comply to use property, facilities, or
17 personal services of the university.

18 (7) The direct-support organization shall provide for
19 an annual financial ~~and compliance~~ audit in accordance with s.
20 1004.28 ~~of its financial accounts and records by an~~
21 ~~independent certified public accountant in accordance with s.~~
22 ~~251.981 and generally accepted accounting standards. The~~
23 ~~annual audit report must be submitted to the university for~~
24 ~~review and approval. The university, the Auditor General, and~~
25 ~~others authorized in s. 240.299 shall have the authority to~~
26 ~~require and receive from the direct support organization, or~~
27 ~~from its independent auditor, any detail or supplemental data~~
28 ~~relative to the operation of the organization. Upon approval,~~
29 ~~the university shall certify the audit report to the Auditor~~
30 ~~General for review.~~

31 (9) Provisions governing direct-support organizations

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1 in s. 1004.28 ~~240.99~~ and not provided in this section shall
2 apply to the direct-support organization.

3 Section 934. Subsection (9) of section 282.005,
4 Florida Statutes, is amended to read:

5 282.005 Legislative findings and intent.--The
6 Legislature finds that:

7 (9) To ensure the best management of the state's
8 information technology and notwithstanding other provisions of
9 law to the contrary, the functions of information technology
10 are ~~hereby~~ assigned to the university boards of trustees Board
11 ~~of Regents as the agency responsible~~ for the development and
12 implementation of ~~policy,~~ planning, management, rulemaking,
13 standards, and guidelines for the state universities State
14 ~~University System;~~ to the community college boards of trustees
15 ~~State Board of Community Colleges as the agency responsible~~
16 for establishing and developing rules ~~and policies~~ for the
17 community colleges Florida Community College System; to the
18 Supreme Court, for the judicial branch; to each state attorney
19 and public defender; and to the State Technology Office for
20 the executive branch of state government.

21 Section 935. Subsections (1) and (3) of section
22 282.103, Florida Statutes, are amended to read:

23 282.103 SUNCOM Network; exemptions from the required
24 use.--

25 (1) There is created within the State Technology
26 Office the SUNCOM Network which shall be developed to serve as
27 the state communications system for providing local and
28 long-distance communications services to state agencies,
29 political subdivisions of the state, municipalities, state
30 universities, and nonprofit corporations pursuant to ss.

31 282.101-282.111. The SUNCOM Network shall be developed to

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1 transmit all types of communications signals, including, but
2 not limited to, voice, data, video, image, and radio. State
3 agencies shall cooperate and assist in the development and
4 joint use of communications systems and services.

5 (3) All state agencies and state universities are
6 required to use the SUNCOM Network for agency and state
7 university communications services as the services become
8 available; however, no agency or university is relieved of
9 responsibility for maintaining communications services
10 necessary for effective management of its programs and
11 functions. If a SUNCOM Network service does not meet the
12 communications requirements of an agency or university, the
13 agency or university shall notify the State Technology Office
14 in writing and detail the requirements for that communications
15 service. If the office is unable to meet an agency's or
16 university's requirements by enhancing SUNCOM Network service,
17 the office may grant the agency or university an exemption
18 from the required use of specified SUNCOM Network services.

19 Section 936. Subsection (4) of section 282.105,
20 Florida Statutes, is amended to read:

21 282.105 Use of state SUNCOM Network by nonprofit
22 corporations.--

23 (4) Institutions qualified to participate in the
24 William L. Boyd, IV, Florida Resident Access Grant Program
25 pursuant to s. 1009.89 ~~240.605~~ shall be eligible to use the
26 state SUNCOM Network, subject to the terms and conditions of
27 the office. Such entities shall not be required to satisfy the
28 other criteria of this section.

29 Section 937. Section 282.106, Florida Statutes, is
30 amended to read:

31 282.106 Use of SUNCOM Network by libraries.--The State

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1 Technology Office may provide SUNCOM Network services to any
2 library in the state, including libraries in public schools,
3 community colleges, state universities ~~the State University~~
4 ~~System~~, and nonprofit private postsecondary educational
5 institutions, and libraries owned and operated by
6 municipalities and political subdivisions.

7 Section 938. Section 282.3031, Florida Statutes, is
8 amended to read:

9 282.3031 Assignment of information resources
10 management responsibilities.--For purposes of ss.
11 282.303-282.322, to ensure the best management of state
12 information technology resources, and notwithstanding other
13 provisions of law to the contrary, the functions of
14 information resources management are ~~hereby~~ assigned to the
15 university boards of trustees ~~Board of Regents as the agency~~
16 ~~responsible~~ for the development and implementation of ~~policy,~~
17 planning, management, rulemaking, standards, and guidelines
18 for the state universities ~~State University System~~; to the
19 community college boards of trustees ~~State Board of Community~~
20 ~~Colleges as the agency responsible~~ for establishing and
21 developing rules ~~and policies~~ for the community colleges
22 ~~Florida Community College System~~; to the Supreme Court for the
23 judicial branch; to each state attorney and public defender;
24 and to the State Technology Office for the agencies within the
25 executive branch of state government.

26 Section 939. Subsection (1) of section 282.3063,
27 Florida Statutes, is amended to read:

28 282.3063 Agency Annual Enterprise Resource Planning
29 and Management Report.--

30 (1) By September 1 of each year, ~~and for the State~~
31 ~~University System within 90 days after completion of the~~

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1 ~~expenditure analysis developed pursuant to s. 240.271(4)~~, each
2 Agency Chief Information Officer shall prepare and submit to
3 the State Technology Office an Agency Annual Enterprise
4 Resource Planning and Management Report. Following
5 consultation with the State Technology Office and the Agency
6 Chief Information Officers Council, the Executive Office of
7 the Governor and the fiscal committees of the Legislature
8 shall jointly develop and issue instructions for the format
9 and contents of the report.

10 Section 940. Subsection (2) of section 282.310,
11 Florida Statutes, is amended to read:

12 282.310 State Annual Report on Enterprise Resource
13 Planning and Management.--

14 (2) The State Annual Report on Enterprise Resource
15 Planning and Management shall contain, at a minimum, the
16 following:

17 (a) The state vision for enterprise resource planning
18 and management.

19 (b) A forecast of the state enterprise resource
20 planning and management priorities and initiatives for the
21 ensuing 2 years.

22 (c) A summary of major statewide policies recommended
23 by the State Technology Office for enterprise resource
24 planning and management.

25 (d) A summary of memoranda issued by the Executive
26 Office of the Governor.

27 (e) An assessment of the overall progress toward an
28 integrated electronic system for deploying government
29 products, services, and information to individuals and
30 businesses and state enterprise resource planning and
31 management initiatives and priorities for the past fiscal

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1 year.

2 (f) A summary of major statewide issues related to
3 improving enterprise resource planning and management by the
4 state.

5 (g) An inventory list, by major categories, of state
6 information technology resources.

7 (h) A summary of the total agency expenditures or
8 descriptions of agreements, contracts, or partnerships for
9 enterprise resource planning and management and of
10 enterprise-wide procurements done by the office on behalf of
11 the state.

12 (i) A summary of the opportunities for government
13 agencies or entities to share enterprise resource planning and
14 management projects or initiatives with other governmental or
15 private sector entities.

16

17 The state annual report shall also include enterprise resource
18 planning and management information from the annual reports
19 prepared by the state universities and the community colleges
20 ~~Board of Regents for the State University System, from the~~
21 ~~State Board of Community Colleges for the Florida Community~~
22 ~~College System~~, from the Supreme Court for the judicial
23 branch, and from the Justice Administrative Commission on
24 behalf of the state attorneys and public defenders.

25 Expenditure information shall be taken from each agency's
26 annual report as well as the annual reports of the state
27 universities and the community colleges ~~Board of Regents, the~~
28 ~~State Board of Community Colleges~~, the Supreme Court, and the
29 Justice Administrative Commission.

30 Section 941. Section 284.34, Florida Statutes, is
31 amended to read:

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1 284.34 Professional medical liability of the
2 university boards of trustees ~~Board of Regents~~ and nuclear
3 energy liability excluded.--Unless specifically authorized by
4 the Department of Insurance, no coverages shall be provided by
5 this fund for professional medical liability insurance for the
6 university boards of trustees ~~Board of Regents~~ or the
7 physicians, officers, employees, or agents of any ~~the~~ board or
8 for liability related to nuclear energy which is ordinarily
9 subject to the standard nuclear energy liability exclusion of
10 conventional liability insurance policies. This section does
11 ~~shall not affect~~ ~~be construed as affecting~~ the self-insurance
12 programs of the university boards of trustees ~~Board of Regents~~
13 established pursuant to s. 1004.24 ~~240.213~~.

14 Section 942. Paragraph (b) of subsection (2) of
15 section 285.18, Florida Statutes, is amended to read:

16 285.18 Tribal council as governing body; powers and
17 duties.--

18 (2) The governing bodies of the special improvement
19 districts shall have the duty and power:

20 (b) To contract with the district school board of any
21 district adjoining the local school district, when deemed
22 necessary by the tribal council, to provide public education
23 and educational programs for their members, notwithstanding
24 the provisions of s. 1001.42 ~~230.23~~ that authorize school
25 boards to establish attendance areas for their districts or
26 approve plans for attendance in other districts.

27 Section 943. Paragraph (a) of subsection (2) of
28 section 287.042, Florida Statutes, is amended to read:

29 287.042 Powers, duties, and functions.--The department
30 shall have the following powers, duties, and functions:

31 (2)(a) To plan and coordinate purchases in volume and

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1 to negotiate and execute purchasing agreements and contracts
2 for commodities and contractual services under which state
3 agencies shall make purchases pursuant to s. 287.056, and
4 under which a federal, county, municipality, institutions
5 qualified to participate in the William L. Boyd, IV, Florida
6 Resident Access Grant Program pursuant to s. 1009.89 ~~240.605~~,
7 private nonprofit community transportation coordinator
8 designated pursuant to chapter 427, while conducting business
9 related solely to the Commission for the Transportation
10 Disadvantaged, or other local public agency may make
11 purchases. The department may restrict purchases from some
12 term contracts to state agencies only for those term contracts
13 where the inclusion of other governmental entities will have
14 an adverse effect on competition or to those federal
15 facilities located in this state. In such planning or
16 purchasing the Office of Supplier Diversity may monitor to
17 ensure that opportunities are afforded for contracting with
18 minority business enterprises. The department, for state term
19 contracts, and all agencies, for multiyear contractual
20 services or term contracts, shall explore reasonable and
21 economical means to utilize certified minority business
22 enterprises. Purchases by any county, municipality, private
23 nonprofit community transportation coordinator designated
24 pursuant to chapter 427, while conducting business related
25 solely to the Commission for the Transportation Disadvantaged,
26 or other local public agency under the provisions in the state
27 purchasing contracts, and purchases, from the corporation
28 operating the correctional work programs, of products or
29 services that are subject to paragraph (1)(f), are exempt from
30 the competitive sealed bid requirements otherwise applying to
31 their purchases.

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1 Section 944. Paragraph (c) of subsection (9) and
2 subsections (10) and (11) of section 287.055, Florida
3 Statutes, are amended to read:

4 287.055 Acquisition of professional architectural,
5 engineering, landscape architectural, or surveying and mapping
6 services; definitions; procedures; contingent fees prohibited;
7 penalties.--

8 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

9 (c) Except as otherwise provided in ~~s. 240.209(3)~~ or
10 s. 337.11(7), the Department of Management Services shall
11 adopt rules for the award of design-build contracts to be
12 followed by state agencies. Each other agency must adopt
13 rules or ordinances for the award of design-build contracts.
14 Municipalities, political subdivisions, school districts, and
15 school boards shall award design-build contracts by the use of
16 a competitive proposal selection process as described in this
17 subsection, or by the use of a qualifications-based selection
18 process pursuant to subsections (3), (4), and (5) for entering
19 into a contract whereby the selected firm will subsequently
20 establish a guaranteed maximum price and guaranteed completion
21 date. If the procuring agency elects the option of
22 qualifications-based selection, during the selection of the
23 design-build firm the procuring agency shall employ or retain
24 a licensed design professional appropriate to the project to
25 serve as the agency's representative. Procedures for the use
26 of a competitive proposal selection process must include as a
27 minimum the following:

28 1. The preparation of a design criteria package for
29 the design and construction of the public construction
30 project.

31 2. The qualification and selection of no fewer than

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1 three design-build firms as the most qualified, based on the
2 qualifications, availability, and past work of the firms,
3 including the partners or members thereof.

4 3. The criteria, procedures, and standards for the
5 evaluation of design-build contract proposals or bids, based
6 on price, technical, and design aspects of the public
7 construction project, weighted for the project.

8 4. The solicitation of competitive proposals, pursuant
9 to a design criteria package, from those qualified
10 design-build firms and the evaluation of the responses or bids
11 submitted by those firms based on the evaluation criteria and
12 procedures established prior to the solicitation of
13 competitive proposals.

14 5. For consultation with the employed or retained
15 design criteria professional concerning the evaluation of the
16 responses or bids submitted by the design-build firms, the
17 supervision or approval by the agency of the detailed working
18 drawings of the project; and for evaluation of the compliance
19 of the project construction with the design criteria package
20 by the design criteria professional.

21 6. In the case of public emergencies, for the agency
22 head to declare an emergency and authorize negotiations with
23 the best qualified design-build firm available at that time.

24 (10) REUSE OF EXISTING PLANS.--Notwithstanding any
25 other provision of this section, there shall be no public
26 notice requirement or utilization of the selection process as
27 provided in this section for projects in which the agency is
28 able to reuse existing plans from a prior project of the
29 agency, or, in the case of a board as defined in s. 1013.01
30 ~~chapter 235~~, a prior project of that or any other board.

31 Except for plans of a board as defined in s. 1013.01 ~~chapter~~

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1 ~~235~~, public notice for any plans that are intended to be
2 reused at some future time must contain a statement that
3 provides that the plans are subject to reuse in accordance
4 with the provisions of this subsection.

5 (11) CONSTRUCTION OF LAW.--Nothing in the amendment of
6 this section by chapter 75-281, Laws of Florida, is intended
7 to supersede the provisions of ss. 1013.45 and 1013.46 ~~235.211~~
8 ~~and 235.31~~.

9 Section 945. Subsection (1) of section 287.064,
10 Florida Statutes, is amended to read:

11 287.064 Consolidated financing of deferred-payment
12 purchases.--

13 (1) The Division of Bond Finance of the State Board of
14 Administration and the Comptroller shall plan and coordinate
15 deferred-payment purchases made by or on behalf of the state
16 or its agencies or by or on behalf of state community colleges
17 participating under this section pursuant to s. 1001.64(26)
18 ~~240.319(4)(p)~~. The Division of Bond Finance shall negotiate
19 and the Comptroller shall execute agreements and contracts to
20 establish master equipment financing agreements for
21 consolidated financing of deferred-payment, installment sale,
22 or lease purchases with a financial institution or a
23 consortium of financial institutions. As used in this act, the
24 term "deferred-payment" includes installment sale and
25 lease-purchase.

26 (a) The period during which equipment may be acquired
27 under any one master equipment financing agreement shall be
28 limited to not more than 3 years.

29 (b) Repayment of the whole or a part of the funds
30 drawn pursuant to the master equipment financing agreement may
31 continue beyond the period established pursuant to paragraph

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1 (a).

2 (c) The interest rate component of any master
3 equipment financing agreement shall be deemed to comply with
4 the interest rate limitation imposed in s. 287.063 so long as
5 the interest rate component of every interagency or community
6 college agreement entered into under such master equipment
7 financing agreement complies with the interest rate limitation
8 imposed in s. 287.063. Such interest rate limitation does not
9 apply when the payment obligation under the master equipment
10 financing agreement is rated by a nationally recognized rating
11 service in any one of the three highest classifications, which
12 rating services and classifications are determined pursuant to
13 rules adopted by the Comptroller.

14 Section 946. Paragraph (f) of subsection (1) of
15 section 288.039, Florida Statutes, is amended to read:

16 288.039 Employing and Training our Youths (ENTRY).--

17 (1) DEFINITIONS.--As used in this section:

18 (f) "Public school" shall have the same meaning as in
19 s. 1000.04(1) ~~228.041(1)(a)~~.

20 Section 947. Subsection (6) of section 288.8175,
21 Florida Statutes, is amended to read:

22 288.8175 Linkage institutes between postsecondary
23 institutions in this state and foreign countries.--

24 (6) Each institute is allowed to exempt from s.
25 1009.21 ~~240.1201~~ up to 25 full-time equivalent students per
26 year from the respective host countries to study in any of the
27 state universities or community colleges in this state as
28 resident students for tuition purposes. The institute
29 directors shall develop criteria, to be approved by the
30 Department of Education, for the selection of these students.
31 Students must return home within 3 years after their tenure of

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1 graduate or undergraduate study for a length of time equal to
2 their exemption period.

3 Section 948. Subsection (2) of section 295.01, Florida
4 Statutes, is amended to read:

5 295.01 Children of deceased or disabled veterans;
6 education.--

7 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
8 295.05, and 1009.40 shall apply.

9 Section 949. Subsection (2) of section 295.015,
10 Florida Statutes, is amended to read:

11 295.015 Children of prisoners of war and persons
12 missing in action; education.--

13 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
14 295.05, and 1009.40 shall apply.

15 Section 950. Subsection (2) of section 295.016,
16 Florida Statutes, is amended to read:

17 295.016 Children of service members who died or became
18 disabled in Operation Eagle Claw.--

19 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
20 295.05, and 1009.40 shall apply.

21 Section 951. Subsection (2) of section 295.017,
22 Florida Statutes, is amended to read:

23 295.017 Children of service members who died or became
24 disabled in the Lebanon and Grenada military arenas;
25 educational opportunity.--

26 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
27 295.05, and 1009.40 shall apply.

28 Section 952. Subsection (2) of section 295.018,
29 Florida Statutes, is amended to read:

30 295.018 Children of service members who died in
31 Newfoundland air tragedy; educational opportunity.--

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1 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
2 295.05, and 1009.40 shall apply.

3 Section 953. Subsection (2) of section 295.019,
4 Florida Statutes, is amended to read:

5 295.019 Children of service members who died in U.S.S.
6 Stark attack.--

7 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
8 295.05, and 1009.40 shall apply.

9 Section 954. Subsection (2) of section 295.0195,
10 Florida Statutes, is amended to read:

11 295.0195 Children of deceased or disabled military
12 personnel who died or became disabled in the Mideast Persian
13 Gulf military arena during hostilities with Iraq or in the
14 military action in Panama known as Operation Just Cause.--

15 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
16 295.05, and 1009.40 shall apply.

17 Section 955. Subsection (45) of section 316.003,
18 Florida Statutes, is amended to read:

19 316.003 Definitions.--The following words and phrases,
20 when used in this chapter, shall have the meanings
21 respectively ascribed to them in this section, except where
22 the context otherwise requires:

23 (45) SCHOOL BUS.--Any motor vehicle that complies with
24 the color and identification requirements of chapter 1006 ~~234~~
25 and is used to transport children to or from public or private
26 school or in connection with school activities, but not
27 including buses operated by common carriers in urban
28 transportation of school children. The term "school" includes
29 all preelementary, elementary, secondary, and postsecondary
30 schools.

31 Section 956. Subsection (4) of section 316.027,

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1 Florida Statutes, is amended to read:

2 316.027 Crash involving death or personal injuries.--

3 (4) A person whose commission of a noncriminal traffic
4 infraction or any violation of this chapter or s. 1006.66
5 ~~240.265~~ causes or results in the death of another person may,
6 in addition to any other civil, criminal, or administrative
7 penalty imposed, be required by the court to serve 120
8 community service hours in a trauma center or hospital that
9 regularly receives victims of vehicle accidents, under the
10 supervision of a registered nurse, an emergency room
11 physician, or an emergency medical technician pursuant to a
12 voluntary community service program operated by the trauma
13 center or hospital.

14 Section 957. Paragraph (b) of subsection (9) of
15 section 316.515, Florida Statutes, is amended to read:

16 316.515 Maximum width, height, length.--

17 (9) BUSES AND PRIVATE MOTOR COACHES.--

18 (b) School buses which are subject to the provisions
19 of ~~chapter 234~~ or s. 316.615 or chapter 1006 are exempt from
20 the provisions of this subsection.

21 Section 958. Subsection (5) of section 316.6145,
22 Florida Statutes, is amended to read:

23 316.6145 School buses; safety belts or other restraint
24 systems required.--

25 (5) The provisions of this section shall not apply to
26 vehicles as defined in s. 1006.25(1)(b) ~~234.051(1)(b)~~.

27 Section 959. Paragraphs (a) and (c) of subsection (1)
28 of section 316.615, Florida Statutes, are amended to read:

29 316.615 School buses; physical requirements of
30 drivers.--

31 (1)(a) All motor vehicles, with a seating capacity of

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1 24 or more pupils, which are regularly used for the
2 transportation of pupils to or from school, or to or from
3 school activities, shall comply with the requirements for
4 school buses of chapter 1006 234.

5 (c) A bus operated by an organization that holds a tax
6 exemption pursuant to 26 U.S.C. s. 501(c)(3) is exempt from
7 the color, pupil-warning-lamp-system, stop-arm, and
8 crossing-arm requirements for school buses in chapter 1006 234
9 if:

10 1. The bus does not pick up pupils from home or
11 deliver pupils to home;

12 2. The bus makes no intermittent stops to unload or
13 load pupils; and

14 3. The bus is not operated by or under the purview of
15 the state or political subdivision.

16 Section 960. Subsection (3) of section 316.70, Florida
17 Statutes, is amended to read:

18 316.70 Nonpublic sector buses; safety rules.--

19 (3) School buses subject to the provisions of chapter
20 1006 234 or s. 316.615 are exempt from the provisions of this
21 section.

22 Section 961. Subsection (2) of section 316.72, Florida
23 Statutes, is amended to read:

24 316.72 Buses simulating school buses in color and
25 insignia; conditions of use.--

26 (2) Any educational, recreational, religious, or
27 charitable organization may own, operate, rent, or lease any
28 bus which has been painted the orange or yellow color known as
29 "school bus chrome" and which has been equipped with the
30 signs, lights, insignia, and other features which normally
31 characterize a school bus, as defined in s. 1006.25 234-051,

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1 consistent with the provisions of this section.

2 Section 962. Section 318.12, Florida Statutes, is
3 amended to read:

4 318.12 Purpose.--It is the legislative intent in the
5 adoption of this chapter to decriminalize certain violations
6 of chapter 316, the Florida Uniform Traffic Control Law;
7 chapter 320, Motor Vehicle Licenses; chapter 322, Drivers'
8 Licenses; ~~chapter 240, Postsecondary Education; and chapter~~
9 338, Florida Intrastate Highway System and Toll Facilities;
10 and chapter 1006, Support of Learning, thereby facilitating
11 the implementation of a more uniform and expeditious system
12 for the disposition of traffic infractions.

13 Section 963. Subsection (1) of section 318.14, Florida
14 Statutes, is amended to read:

15 318.14 Noncriminal traffic infractions; exception;
16 procedures.--

17 (1) Except as provided in ss. 318.17 and 320.07(3)(c),
18 any person cited for a violation of s. 1006.66(3) ~~240-265,~~
19 chapter 316, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
20 s. 322.15(1), s. 322.16(2) or (3), s. 322.161(5), ~~or~~ s.
21 322.19, or s. 1006.66 is charged with a noncriminal infraction
22 and must be cited for such an infraction and cited to appear
23 before an official. If another person dies as a result of the
24 noncriminal infraction, the person cited may be required to
25 perform 120 community service hours under s. 316.027(4), in
26 addition to any other penalties.

27 Section 964. Paragraph (c) of subsection (2) of
28 section 320.08058, Florida Statutes, is amended to read:

29 320.08058 Specialty license plates.--

30 (2) CHALLENGER LICENSE PLATES.--

31 (c) Fifty percent must be distributed to the

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1 Technological Research and Development Authority created by s.
2 2, chapter 87-455, Laws of Florida, for the purpose of funding
3 space-related research grants, the Teacher/Quest Scholarship
4 Program under s. 1009.61 ~~240.4082~~ as approved by the Florida
5 Department of Education, and space-related economic
6 development programs. The Technological Research and
7 Development Authority shall coordinate and distribute
8 available resources among state universities and independent
9 colleges and universities based on the research strengths of
10 such institutions in space science technology, community
11 colleges, public school districts, and not-for-profit
12 educational organizations.

13 Section 965. Subsection (1) of section 320.20, Florida
14 Statutes, is amended to read:

15 320.20 Disposition of license tax moneys.--The revenue
16 derived from the registration of motor vehicles, including any
17 delinquent fees and excluding those revenues collected and
18 distributed under the provisions of s. 320.081, must be
19 distributed monthly, as collected, as follows:

20 (1) The first proceeds, to the extent necessary to
21 comply with the provisions of s. 18, Art. XII of the State
22 Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968
23 revised constitution, and the additional provisions of s. 9(d)
24 and s. 1010.57 ~~236.602~~, must be deposited in the district
25 Capital Outlay and Debt Service School Trust Fund.

26 Section 966. Section 320.38, Florida Statutes, is
27 amended to read:

28 320.38 When nonresident exemption not allowed.--The
29 provisions of s. 320.37 authorizing the operation of motor
30 vehicles over the roads of this state by nonresidents of this
31 state when such vehicles are duly registered or licensed under

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1 the laws of some other state or foreign country do not apply
2 to any nonresident who accepts employment or engages in any
3 trade, profession, or occupation in this state, except a
4 nonresident migrant farm worker as defined in s. 316.003(61).
5 In every case in which a nonresident, except a nonresident
6 migrant farm worker as defined in s. 316.003(61), accepts
7 employment or engages in any trade, profession, or occupation
8 in this state or enters his or her children to be educated in
9 the public schools of this state, such nonresident shall,
10 within 10 days after the commencement of such employment or
11 education, register his or her motor vehicles in this state if
12 such motor vehicles are proposed to be operated on the roads
13 of this state. Any person who is enrolled as a student in a
14 college or university and who is a nonresident but who is in
15 this state for a period of up to 6 months engaged in a
16 work-study program for which academic credits are earned from
17 a college whose credits or degrees are accepted for credit by
18 at least three accredited institutions of higher learning, as
19 defined in s. 1005.02 ~~246.021~~, is not required to have a
20 Florida registration for the duration of the work-study
21 program if the person's vehicle is properly registered in
22 another jurisdiction. Any nonresident who is enrolled as a
23 full-time student in such institution of higher learning is
24 also exempt for the duration of such enrollment.

25 Section 967. Subsection (3) of section 322.031,
26 Florida Statutes, is amended to read:

27 322.031 Nonresident; when license required.--

28 (3) A nonresident who is domiciled in another state
29 and who commutes into this state in order to work shall not be
30 required to obtain a Florida driver's license under this
31 section solely because he or she has accepted employment or

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1 engages in any trade, profession, or occupation in this state
2 if he or she has a valid driver's license issued by another
3 state. Further, any person who is enrolled as a student in a
4 college or university and who is a nonresident but is in this
5 state for a period of up to 6 months engaged in a work-study
6 program for which academic credits are earned from a college
7 whose credits or degrees are accepted for credit by at least
8 three accredited institutions of higher learning, as defined
9 in s. 1005.02 ~~246.021~~, shall not be required to obtain a
10 Florida driver's license for the duration of the work-study
11 program if such person has a valid driver's license issued by
12 another state. Any nonresident who is enrolled as a full-time
13 student in any such institution of higher learning is also
14 exempt from the requirement of obtaining a Florida driver's
15 license for the duration of such enrollment.

16 Section 968. Paragraph (e) of subsection (1) and
17 paragraph (a) of subsection (2) of section 322.091, Florida
18 Statutes, are amended to read:

19 322.091 Attendance requirements.--

20 (1) ELIGIBILITY REQUIREMENTS FOR DRIVING
21 PRIVILEGES.--A minor is not eligible for driving privileges
22 unless that minor:

23 (e) Has been issued a certificate of exemption
24 according to s. 1003.21(3) ~~232.06~~; or

25
26 The department may not issue a driver's license or learner's
27 driver's license to, or shall suspend the driver's license or
28 learner's driver's license of, any minor concerning whom the
29 department receives notification of noncompliance with the
30 requirements of this section.

31 (2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION;

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1 RECORD OF NONCOMPLIANCE.--

2 (a) The department shall notify each minor for whom
3 the department has received notification of noncompliance with
4 the requirements of this section as provided in s. 1003.27
5 ~~232.19~~, and the minor's parent or guardian, of the
6 department's intent to suspend the minor's driving privileges.

7 Section 969. Subsection (5) of section 322.095,
8 Florida Statutes, is amended to read:

9 322.095 Traffic law and substance abuse education
10 program for driver's license applicants.--

11 (5) The provisions of this section do not apply to any
12 person who has been licensed in any other jurisdiction or who
13 has satisfactorily completed a Department of Education
14 driver's education course offered pursuant to s. 1003.48
15 ~~233.063~~.

16 Section 970. Paragraphs (a), (b), (c), and (d) of
17 subsection (1) of section 322.21, Florida Statutes, are
18 amended to read:

19 322.21 License fees; procedure for handling and
20 collecting fees.--

21 (1) Except as otherwise provided herein, the fee for:

22 (a) An original or renewal commercial driver's license
23 is \$50, which shall include the fee for driver education
24 provided by s. 1003.48 ~~233.063~~; however, if an applicant has
25 completed training and is applying for employment or is
26 currently employed in a public or nonpublic school system that
27 requires the commercial license, the fee shall be the same as
28 for a Class E driver's license. A delinquent fee of \$1 shall
29 be added for a renewal made not more than 12 months after the
30 license expiration date.

31 (b) An original Class D or Class E driver's license is

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1 \$20, which shall include the fee for driver's education
2 provided by s. 1003.48 ~~233.063~~; however, if an applicant has
3 completed training and is applying for employment or is
4 currently employed in a public or nonpublic school system that
5 requires a commercial driver license, the fee shall be the
6 same as for a Class E license.

7 (c) The renewal or extension of a Class D or Class E
8 driver's license or of a license restricted to motorcycle use
9 only is \$15, except that a delinquent fee of \$1 shall be added
10 for a renewal or extension made not more than 12 months after
11 the license expiration date. The fee provided in this
12 paragraph shall include the fee for driver's education
13 provided by s. 1003.48 ~~233.063~~.

14 (d) An original driver's license restricted to
15 motorcycle use only is \$20, which shall include the fee for
16 driver's education provided by s. 1003.48 ~~233.063~~.

17 Section 971. Paragraphs (c) and (d) of subsection (2)
18 and subsection (6) of section 333.03, Florida Statutes, are
19 amended to read:

20 333.03 Power to adopt airport zoning regulations.--

21 (2) In the manner provided in subsection (1), interim
22 airport land use compatibility zoning regulations shall be
23 adopted. When political subdivisions have adopted land
24 development regulations in accordance with the provisions of
25 chapter 163 which address the use of land in the manner
26 consistent with the provisions herein, adoption of airport
27 land use compatibility regulations pursuant to this subsection
28 shall not be required. Interim airport land use compatibility
29 zoning regulations shall consider the following:

30 (c) Where an airport authority or other governing body
31 operating a publicly owned, public-use airport has conducted a

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1 noise study in accordance with the provisions of 14 C.F.R.
2 part 150, neither residential construction nor any educational
3 facility as defined in chapter 1013 235, with the exception of
4 aviation school facilities, shall be permitted within the area
5 contiguous to the airport defined by an outer noise contour
6 that is considered incompatible with that type of construction
7 by 14 C.F.R. part 150, Appendix A or an equivalent noise level
8 as established by other types of noise studies.

9 (d) Where an airport authority or other governing body
10 operating a publicly owned, public-use airport has not
11 conducted a noise study, neither residential construction nor
12 any educational facility as defined in chapter 1013 235, with
13 the exception of aviation school facilities, shall be
14 permitted within an area contiguous to the airport measuring
15 one-half the length of the longest runway on either side of
16 and at the end of each runway centerline.

17 (6) Nothing in subsection (2) or subsection (3) shall
18 be construed to require the removal, alteration, sound
19 conditioning, or other change, or to interfere with the
20 continued use or adjacent expansion of any educational
21 structure or site in existence on July 1, 1993, or be
22 construed to prohibit the construction of any new structure
23 for which a site has been determined as provided in former s.
24 235.19, as of July 1, 1993.

25 Section 972. Subsection (7) of section 364.508,
26 Florida Statutes, is amended to read:

27 364.508 Definitions.--As used in this part:

28 (7) "Eligible facilities" means all approved campuses
29 and instructional centers of all public universities, public
30 community colleges, area technical centers, public elementary
31 schools, middle schools, and high schools, including school

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1 administrative offices, public libraries, teaching hospitals,
2 the research institute described in s. 1004.43 ~~240.512~~, and
3 rural public hospitals as defined in s. 395.602. If no rural
4 public hospital exists in a community, the public health
5 clinic which is responsible for individuals before they can be
6 transferred to a regional hospital shall be considered
7 eligible.

8 Section 973. Paragraph (k) of subsection (3) of
9 section 380.0651, Florida Statutes, is amended to read:

10 380.0651 Statewide guidelines and standards.--

11 (3) The following statewide guidelines and standards
12 shall be applied in the manner described in s. 380.06(2) to
13 determine whether the following developments shall be required
14 to undergo development-of-regional-impact review:

15 (k) Schools.--

16 1. The proposed construction of any public, private,
17 or proprietary postsecondary educational campus which provides
18 for a design population of more than 5,000 full-time
19 equivalent students, or the proposed physical expansion of any
20 public, private, or proprietary postsecondary educational
21 campus having such a design population that would increase the
22 population by at least 20 percent of the design population.

23 2. As used in this paragraph, "full-time equivalent
24 student" means enrollment for 15 or more quarter hours during
25 a single academic semester. In technical ~~area-vocational~~
26 schools or other institutions which do not employ semester
27 hours or quarter hours in accounting for student
28 participation, enrollment for 18 contact hours shall be
29 considered equivalent to one quarter hour, and enrollment for
30 27 contact hours shall be considered equivalent to one
31 semester hour.

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1 3. This paragraph does not apply to institutions which
2 are the subject of a campus master plan adopted by the
3 university board of trustees ~~Board of Regents~~ pursuant to s.
4 1013.30 ~~240.155~~.

5 Section 974. Paragraph (e) of subsection (1) of
6 section 381.003, Florida Statutes, is amended to read:

7 381.003 Communicable disease and AIDS prevention and
8 control.--

9 (1) The department shall conduct a communicable
10 disease prevention and control program as part of fulfilling
11 its public health mission. A communicable disease is any
12 disease caused by transmission of a specific infectious agent,
13 or its toxic products, from an infected person, an infected
14 animal, or the environment to a susceptible host, either
15 directly or indirectly. The communicable disease program must
16 include, but need not be limited to:

17 (e) Programs for the prevention and control of
18 vaccine-preventable diseases, including programs to immunize
19 school children as required by s. 1003.22(3)-(11) ~~232.032~~ and
20 the development of an automated, electronic, and centralized
21 database or registry of immunizations. The department shall
22 ensure that all children in this state are immunized against
23 vaccine-preventable diseases. The immunization registry shall
24 allow the department to enhance current immunization
25 activities for the purpose of improving the immunization of
26 all children in this state.

27 1. Except as provided in subparagraph 2., the
28 department shall include all children born in this state in
29 the immunization registry by using the birth records from the
30 Office of Vital Statistics. The department shall add other
31 children to the registry as immunization services are

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1 provided.

2 2. The parent or guardian of a child may refuse to
3 have the child included in the immunization registry by
4 signing a form obtained from the department, or from the
5 health care practitioner or entity that provides the
6 immunization, which indicates that the parent or guardian does
7 not wish to have the child included in the immunization
8 registry. The decision to not participate in the immunization
9 registry must be noted in the registry.

10 3. The immunization registry shall allow for
11 immunization records to be electronically transferred to
12 entities that are required by law to have such records,
13 including schools, licensed child care facilities, and any
14 other entity that is required by law to obtain proof of a
15 child's immunizations.

16 4. Any health care practitioner licensed under chapter
17 458, chapter 459, or chapter 464 in this state who complies
18 with rules adopted by the department to access the
19 immunization registry may, through the immunization registry,
20 directly access immunization records and update a child's
21 immunization history or exchange immunization information with
22 another authorized practitioner, entity, or agency involved in
23 a child's care. The information included in the immunization
24 registry must include the child's name, date of birth,
25 address, and any other unique identifier necessary to
26 correctly identify the child; the immunization record,
27 including the date, type of administered vaccine, and vaccine
28 lot number; and the presence or absence of any adverse
29 reaction or contraindication related to the immunization.
30 Information received by the department for the immunization
31 registry retains its status as confidential medical

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1 information and the department must maintain the
2 confidentiality of that information as otherwise required by
3 law. A health care practitioner or other agency that obtains
4 information from the immunization registry must maintain the
5 confidentiality of any medical records in accordance with s.
6 456.057 or as otherwise required by law.

7 Section 975. Paragraph (d) of subsection (1) of
8 section 381.005, Florida Statutes, is amended to read:

9 381.005 Primary and preventive health services.--

10 (1) The department shall conduct a primary and
11 preventive health care program as part of fulfilling its
12 public health mission. This program shall include, but is not
13 limited to:

14 (d) School health services in accordance with chapters
15 1003 and 1006 ~~chapter 232~~.

16 Section 976. Paragraph (p) of subsection (5) of
17 section 381.0056, Florida Statutes, is amended to read:

18 381.0056 School health services program.--

19 (5) Each county health department shall develop,
20 jointly with the district school board and the local school
21 health advisory committee, a school health services plan; and
22 the plan shall include, at a minimum, provisions for:

23 (p) Maintenance of records on incidents of health
24 problems, corrective measures taken, and such other
25 information as may be needed to plan and evaluate health
26 programs; except, however, that provisions in the plan for
27 maintenance of health records of individual students must be
28 in accordance with s. 1002.22 ~~228.093~~;

29 Section 977. Subsection (9) of section 381.0302,
30 Florida Statutes, is amended to read:

31 381.0302 Florida Health Services Corps.--

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1 (9) Persons who receive loan repayment assistance
2 under s. 1009.65 ~~240.4067~~ shall be members of the Florida
3 Health Services Corps.

4 Section 978. Subsection (3) of section 391.055,
5 Florida Statutes, is amended to read:

6 391.055 Service delivery systems.--

7 (3) The Children's Medical Services network may
8 contract with school districts participating in the certified
9 school match program pursuant to ss. ~~236.0812~~ and 409.908(21)
10 and 1011.70 for the provision of school-based services, as
11 provided for in s. 409.9071, for Medicaid-eligible children
12 who are enrolled in the Children's Medical Services network.

13 Section 979. Section 393.0657, Florida Statutes, is
14 amended to read:

15 393.0657 Persons not required to be refingerprinted or
16 rescreened.--Any provision of law to the contrary
17 notwithstanding, human resource personnel who have been
18 fingerprinted or screened pursuant to chapters 393, 394, 397,
19 402, and 409, and teachers who have been fingerprinted
20 pursuant to chapter 1012 ~~231~~, who have not been unemployed for
21 more than 90 days thereafter, and who under the penalty of
22 perjury attest to the completion of such fingerprinting or
23 screening and to compliance with the provisions of this
24 section and the standards for good moral character as
25 contained in such provisions as ss. 110.1127(3), 393.0655(1),
26 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be
27 required to be refingerprinted or rescreened in order to
28 comply with any direct service provider screening or
29 fingerprinting requirements.

30 Section 980. Subsection (3) of section 394.4572,
31 Florida Statutes, is amended to read:

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1 394.4572 Screening of mental health personnel.--

2 (3) Prospective mental health personnel who have
3 previously been fingerprinted or screened pursuant to this
4 chapter, chapter 393, chapter 397, chapter 402, or chapter
5 409, or teachers who have been fingerprinted pursuant to
6 chapter 1012 ~~231~~, who have not been unemployed for more than
7 90 days thereafter, and who under the penalty of perjury
8 attest to the completion of such fingerprinting or screening
9 and to compliance with the provisions of this section and the
10 standards for level 1 screening contained in chapter 435,
11 shall not be required to be refingerprinted or rescreened in
12 order to comply with any screening requirements of this part.

13 Section 981. Subsection (5) of section 394.495,
14 Florida Statutes, is amended to read:

15 394.495 Child and adolescent mental health system of
16 care; programs and services.--

17 (5) In order to enhance collaboration between agencies
18 and to facilitate the provision of services by the child and
19 adolescent mental health treatment and support system and the
20 school district, the local child and adolescent mental health
21 system of care shall include the local educational multiagency
22 network for severely emotionally disturbed students specified
23 in s. 1006.04 ~~230-2317~~.

24 Section 982. Paragraph (c) of subsection (4) of
25 section 394.498, Florida Statutes, is amended to read:

26 394.498 Child and Adolescent Interagency System of
27 Care Demonstration Models.--

28 (4) ESSENTIAL ELEMENTS.--

29 (c) In order for children, adolescents, and families
30 of children and adolescents to receive timely and effective
31 services, the basic provider network identified in each

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1 demonstration model must be well designed and managed. The
2 provider network should be able to meet the needs of a
3 significant proportion of the target population. The applicant
4 must demonstrate the capability to manage the network of
5 providers for the purchasers that participate in the
6 demonstration model. The applicant must demonstrate its
7 ability to perform the following network management functions:
8 1. Identify providers within the designated area of
9 the demonstration model which are currently funded by the
10 state agencies included in the model, and identify additional
11 providers that are needed to provide additional services for
12 the target population. The network of providers may include:
13 a. Licensed mental health professionals as defined in
14 s. 394.455(2), (4), (21), (23), or (24);
15 b. Professionals licensed under chapter 491;
16 c. Teachers certified under s. 1012.56 ~~231.17~~;
17 d. Facilities licensed under chapter 395, as a
18 hospital; s. 394.875, as a crisis stabilization unit or
19 short-term residential facility; or s. 409.175, as a
20 residential child-caring agency; and
21 e. Other community agencies.
22 2. Define access points and service linkages of
23 providers in the network.
24 3. Define the ways in which providers and
25 participating state agencies are expected to collaborate in
26 providing services.
27 4. Define methods to measure the collective
28 performance outcomes of services provided by providers and
29 state agencies, measure the performance of individual
30 agencies, and implement a quality improvement process across
31 the provider network.

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1 5. Develop brochures for family members which are
2 written in understandable terminology, to help families
3 identify appropriate service providers, choose the provider,
4 and access care directly whenever possible.

5 6. Ensure that families are given a substantial role
6 in planning and monitoring the provider network.

7 7. Train all providers with respect to the principles
8 of care outlined in this section, including effective
9 techniques of cooperation, the wraparound process and
10 strengths-based assessment, the development of service plans,
11 and techniques of case management.

12 Section 983. Subsection (3) of section 395.602,
13 Florida Statutes, is amended to read:

14 395.602 Rural hospitals.--

15 (3) USE OF FUNDS.--It is the intent of the Legislature
16 that funds as appropriated shall be utilized by the department
17 for the purpose of increasing the number of primary care
18 physicians, physician assistants, certified nurse midwives,
19 nurse practitioners, and nurses in rural areas, either through
20 the Medical Education Reimbursement and Loan Repayment Program
21 as defined by s. 1009.65 ~~240.4067~~ or through a federal loan
22 repayment program which requires state matching funds. The
23 department may use funds appropriated for the Medical
24 Education Reimbursement and Loan Repayment Program as matching
25 funds for federal loan repayment programs for health care
26 personnel, such as that authorized in Pub. L. No. 100-177, s.
27 203. If the department receives federal matching funds, the
28 department shall only implement the federal program.

29 Reimbursement through either program shall be limited to:

30 (a) Primary care physicians, physician assistants,
31 certified nurse midwives, nurse practitioners, and nurses

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1 employed by or affiliated with rural hospitals, as defined in
2 this act; and

3 (b) Primary care physicians, physician assistants,
4 certified nurse midwives, nurse practitioners, and nurses
5 employed by or affiliated with rural area health education
6 centers, as defined in this section. These personnel shall
7 practice:

8 1. In a county with a population density of no greater
9 than 100 persons per square mile; or

10 2. Within the boundaries of a hospital tax district
11 which encompasses a population of no greater than 100 persons
12 per square mile.

13
14 If the department administers a federal loan repayment
15 program, priority shall be given to obligating state and
16 federal matching funds pursuant to paragraphs (a) and (b).
17 The department may use federal matching funds in other health
18 workforce shortage areas and medically underserved areas in
19 the state for loan repayment programs for primary care
20 physicians, physician assistants, certified nurse midwives,
21 nurse practitioners, and nurses who are employed by publicly
22 financed health care programs that serve medically indigent
23 persons.

24 Section 984. Subsection (3) of section 395.605,
25 Florida Statutes, is amended to read:

26 395.605 Emergency care hospitals.--

27 (3) For the purpose of participation in the Medical
28 Education Reimbursement and Loan Repayment Program as defined
29 in s. 1009.65 ~~240.4067~~ or other loan repayment or incentive
30 programs designed to relieve medical workforce shortages, the
31 department shall treat emergency care hospitals in the same

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1 manner as rural hospitals.

2 Section 985. Subsection (3) of section 397.405,
3 Florida Statutes, is amended to read:

4 397.405 Exemptions from licensure.--The following are
5 exempt from the licensing provisions of this chapter:

6 (3) A substance abuse education program established
7 pursuant to s. 1003.42 ~~233.061~~.

8
9 The exemptions from licensure in this section do not apply to
10 any facility or entity which receives an appropriation, grant,
11 or contract from the state to operate as a service provider as
12 defined in this chapter or to any substance abuse program
13 regulated pursuant to s. 397.406. No provision of this
14 chapter shall be construed to limit the practice of a
15 physician licensed under chapter 458 or chapter 459, a
16 psychologist licensed under chapter 490, or a psychotherapist
17 licensed under chapter 491, providing outpatient or inpatient
18 substance abuse treatment to a voluntary patient, so long as
19 the physician, psychologist, or psychotherapist does not
20 represent to the public that he or she is a licensed service
21 provider under this act. Failure to comply with any
22 requirement necessary to maintain an exempt status under this
23 section is a misdemeanor of the first degree, punishable as
24 provided in s. 775.082 or s. 775.083.

25 Section 986. Subsection (4) of section 397.451,
26 Florida Statutes, is amended to read:

27 397.451 Background checks of service provider
28 personnel who have direct contact with unmarried minor clients
29 or clients who are developmentally disabled.--

30 (4) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR
31 RECHECKED.--Service provider personnel who have been

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1 fingerprinted or had their backgrounds checked pursuant to
2 chapter 393, chapter 394, chapter 402, or chapter 409, or this
3 section, and teachers who have been fingerprinted pursuant to
4 chapter 1012 ~~231~~, who have not been unemployed for more than
5 90 days thereafter and who, under the penalty of perjury,
6 attest to the completion of such fingerprinting or background
7 checks and to compliance with the provisions of this section
8 and the standards contained in chapter 435 and this section,
9 are not required to be refingerprinted or rechecked in order
10 to comply with service provider personnel fingerprinting or
11 background check requirements.

12 Section 987. Paragraph (h) of subsection (2) of
13 section 397.951, Florida Statutes, is amended to read:

14 397.951 Treatment and sanctions.--The Legislature
15 recognizes that the integration of treatment and sanctions
16 greatly increases the effectiveness of substance abuse
17 treatment. It is the responsibility of the department and the
18 substance abuse treatment provider to employ the full measure
19 of sanctions available to require participation and completion
20 of treatment to ensure successful outcomes for children in
21 substance abuse treatment.

22 (2) The department shall ensure that substance abuse
23 treatment providers employ any and all appropriate available
24 sanctions necessary to engage, motivate, and maintain a child
25 in treatment, including, but not limited to, provisions in law
26 that:

27 (h) Provide that the use, possession, or sale of
28 controlled substances, as defined in chapter 893, or
29 possession of electronic telephone pagers, by any student
30 while such student is upon school property or in attendance at
31 a school function is grounds for disciplinary action by the

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1 school and may also result in criminal penalties being imposed
2 pursuant to s. 1006.09(1)-(4) ~~232-26~~.

3 Section 988. Subsection (2), (4), and (7) of section
4 402.22, Florida Statutes, are amended to read:

5 402.22 Education program for students who reside in
6 residential care facilities operated by the Department of
7 Children and Family Services.--

8 (2) District school boards shall establish educational
9 programs for all students ages 5 through 18 under the
10 residential care of the Department of Children and Family
11 Services and may provide for students below age 3 as provided
12 for in s. 1003.21(1)(e) ~~232-01(1)(e)~~. Funding of such programs
13 shall be pursuant to s. 1011.62 ~~236-081~~.

14 (4) Students age 18 and under who are under the
15 residential care of the Department of Children and Family
16 Services and who receive an education program shall be
17 calculated as full-time equivalent student membership in the
18 appropriate cost factor as provided for in s. 1011.62(1)(c)
19 ~~236-081(1)(c)~~. Residential care facilities of the Department
20 of Children and Family Services shall include, but not be
21 limited to, developmental services institutions and state
22 mental health facilities. All students shall receive their
23 education program from the district school system, and funding
24 shall be allocated through the Florida Education Finance
25 Program for the district school system.

26 (7) Notwithstanding the provisions of s. 1001.42(4)(n)
27 ~~230-23(4)(n)~~, the educational program at the Marianna Sunland
28 Center in Jackson County shall be operated by the Department
29 of Education, either directly or through grants or contractual
30 agreements with other public educational agencies. The annual
31 state allocation to any such agency shall be computed pursuant

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1 to s. 1011.62(1), (2), and (5) ~~236.081(1), (2), and (5)~~ and
2 allocated in the amount that would have been provided the
3 local school district in which the residential facility is
4 located.

5 Section 989. Subsection (3) of section 402.302,
6 Florida Statutes, is amended to read:

7 402.302 Definitions.--

8 (3) "Child care personnel" means all owners,
9 operators, employees, and volunteers working in a child care
10 facility. The term does not include persons who work in a
11 child care facility after hours when children are not present
12 or parents of children in Head Start. For purposes of
13 screening, the term includes any member, over the age of 12
14 years, of a child care facility operator's family, or person,
15 over the age of 12 years, residing with a child care facility
16 operator if the child care facility is located in or adjacent
17 to the home of the operator or if the family member of, or
18 person residing with, the child care facility operator has any
19 direct contact with the children in the facility during its
20 hours of operation. Members of the operator's family or
21 persons residing with the operator who are between the ages of
22 12 years and 18 years shall not be required to be
23 fingerprinted but shall be screened for delinquency records.
24 For purposes of screening, the term shall also include persons
25 who work in child care programs which provide care for
26 children 15 hours or more each week in public or nonpublic
27 schools, summer day camps, family day care homes, or those
28 programs otherwise exempted under s. 402.316. The term does
29 not include public or nonpublic school personnel who are
30 providing care during regular school hours, or after hours for
31 activities related to a school's program for grades

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1 kindergarten through 12 ~~as required under chapter 232~~. A
2 volunteer who assists on an intermittent basis for less than
3 40 hours per month is not included in the term "personnel" for
4 the purposes of screening and training, provided that the
5 volunteer is under direct and constant supervision by persons
6 who meet the personnel requirements of s. 402.305(2).
7 Students who observe and participate in a child care facility
8 as a part of their required coursework shall not be considered
9 child care personnel, provided such observation and
10 participation are on an intermittent basis and the students
11 are under direct and constant supervision of child care
12 personnel.

13 Section 990. Section 402.3057, Florida Statutes, is
14 amended to read:

15 402.3057 Persons not required to be refingerprinted or
16 rescreened.--Any provision of law to the contrary
17 notwithstanding, human resource personnel who have been
18 fingerprinted or screened pursuant to chapters 393, 394, 397,
19 402, and 409, and teachers and noninstructional personnel who
20 have been fingerprinted pursuant to chapter 1012 ~~231~~, who have
21 not been unemployed for more than 90 days thereafter, and who
22 under the penalty of perjury attest to the completion of such
23 fingerprinting or screening and to compliance with the
24 provisions of this section and the standards for good moral
25 character as contained in such provisions as ss. 110.1127(3),
26 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4),
27 shall not be required to be refingerprinted or rescreened in
28 order to comply with any caretaker screening or fingerprinting
29 requirements.

30 Section 991. Paragraphs (a) and (b) of subsection (3)
31 of section 409.145, Florida Statutes, are amended to read:

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1 409.145 Care of children.--

2 (3)(a) The department is authorized to continue to
3 provide the services of the children's foster care program to
4 individuals 18 to 21 years of age who are enrolled in high
5 school, in a program leading to a high school equivalency
6 diploma as defined in s. 1003.435 ~~229.814~~, or in a full-time
7 career education program, and to continue to provide services
8 of the children's foster care program to individuals 18 to 23
9 years of age who are enrolled full-time in a postsecondary
10 educational institution granting a degree, a certificate, or
11 an applied technology diploma, if the following requirements
12 are met:

13 1. The individual was committed to the legal custody
14 of the department for placement in foster care as a dependent
15 child;

16 2. All other resources have been thoroughly explored,
17 and it can be clearly established that there are no
18 alternative resources for placement; and

19 3. A written service agreement which specifies
20 responsibilities and expectations for all parties involved has
21 been signed by a representative of the department, the
22 individual, and the foster parent or licensed child-caring
23 agency providing the placement resources.

24 (b) The services of the foster care program shall
25 continue for those individuals 18 to 21 years of age only for
26 the period of time the individual is continuously enrolled in
27 high school, in a program leading to a high school equivalency
28 diploma as defined in s. 1003.435 ~~229.814~~, or in a full-time
29 career education program; and shall continue for those
30 individuals 18 to 23 years of age only for the period of time
31 the individual is continuously enrolled full-time in a

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1 postsecondary educational institution granting a degree, a
2 certificate, or an applied technology diploma. Services shall
3 be terminated upon completion of or withdrawal or permanent
4 expulsion from high school, the program leading to a high
5 school equivalency diploma, the full-time career and technical
6 education program, or the postsecondary educational
7 institution granting a degree, a certificate, or an applied
8 technology diploma. In addition, the department may, based
9 upon the availability of funds, provide assistance to those
10 individuals who leave foster care when they attain 18 years of
11 age and subsequently request assistance prior to their 21st
12 birthday. The following are examples of assistance that may be
13 provided: referrals for employment, services for educational
14 or career ~~vocational~~ development, and housing assistance.

15 Section 992. Section 409.1757, Florida Statutes, is
16 amended to read:

17 409.1757 Persons not required to be refingerprinted or
18 rescreened.--Any provision of law to the contrary
19 notwithstanding, human resource personnel who have been
20 fingerprinted or screened pursuant to chapters 393, 394, 397,
21 402, and this chapter, and teachers who have been
22 fingerprinted pursuant to chapter 1012 ~~231~~, who have not been
23 unemployed for more than 90 days thereafter, and who under the
24 penalty of perjury attest to the completion of such
25 fingerprinting or screening and to compliance with the
26 provisions of this section and the standards for good moral
27 character as contained in such provisions as ss. 110.1127(3),
28 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4),
29 shall not be required to be refingerprinted or rescreened in
30 order to comply with any caretaker screening or fingerprinting
31 requirements.

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1 Section 993. Subsections (1) and (2) of section
2 409.2598, Florida Statutes, are amended to read:

3 409.2598 Suspension or denial of new or renewal
4 licenses; registrations; certifications.--

5 (1) The Title IV-D agency may petition the court that
6 entered the support order or the court that is enforcing the
7 support order to deny or suspend the license, registration, or
8 certificate issued under ~~chapter 231~~, chapter 370, chapter
9 372, chapter 409, chapter 455, chapter 456, chapter 559,
10 chapter 1012, s. 328.42, or s. 597.010 of any obligor with a
11 delinquent support obligation or who fails, after receiving
12 appropriate notice, to comply with subpoenas, orders to
13 appear, orders to show cause, or similar orders relating to
14 paternity or support proceedings. However, a petition may not
15 be filed until the Title IV-D agency has exhausted all other
16 available remedies. The purpose of this section is to promote
17 the public policy of the state as established in s. 409.2551.

18 (2) The Title IV-D agency is authorized to screen all
19 applicants for new or renewal licenses, registrations, or
20 certificates and current licenses, registrations, or
21 certificates and current licensees, registration holders, and
22 certificateholders of all licenses, registrations, and
23 certificates issued under ~~chapter 231~~, chapter 370, ~~chapter~~
24 ~~372~~, chapter 409, chapter 455, chapter 456, ~~or~~ chapter 559,
25 chapter 1012, or s. 328.42 to ensure compliance with any
26 support obligation and any subpoenas, orders to appear, orders
27 to show cause, or similar orders relating to paternity or
28 support proceedings. If the Title IV-D agency determines that
29 an applicant, licensee, registration holder, or
30 certificateholder is an obligor who is delinquent on a support
31 obligation or who is not in compliance with a subpoena, order

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1 to appear, order to show cause, or similar order relating to
2 paternity or support proceedings, the Title IV-D agency shall
3 certify the delinquency pursuant to s. 61.14.

4 Section 994. Subsections (1) and (6) of section
5 409.9071, Florida Statutes, as amended by section 2 of chapter
6 97-168, Laws of Florida, are amended to read:

7 409.9071 Medicaid provider agreements for school
8 districts certifying state match.--

9 (1) The agency shall submit a state plan amendment by
10 September 1, 1997, for the purpose of obtaining federal
11 authorization to reimburse school-based services as provided
12 in former s. 236.0812 pursuant to the rehabilitative services
13 option provided under 42 U.S.C. s. 1396d(a)(13). For purposes
14 of this section, billing agent consulting services shall be
15 considered billing agent services, as that term is used in s.
16 409.913(9), and, as such, payments to such persons shall not
17 be based on amounts for which they bill nor based on the
18 amount a provider receives from the Medicaid program. This
19 provision shall not restrict privatization of Medicaid
20 school-based services. Subject to any limitations provided for
21 in the General Appropriations Act, the agency, in compliance
22 with appropriate federal authorization, shall develop policies
23 and procedures and shall allow for certification of state and
24 local education funds which have been provided for
25 school-based services as specified in s. 1011.70 ~~236.0812~~ and
26 authorized by a physician's order where required by federal
27 Medicaid law. Any state or local funds certified pursuant to
28 this section shall be for children with specified disabilities
29 who are eligible for both Medicaid and part B or part H of the
30 Individuals with Disabilities Education Act (IDEA), or the
31 exceptional student education program, or who have an

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1 individualized educational plan.

2 (6) Retroactive reimbursements for services as
3 specified in former s. 236.0812 as of July 1, 1996, including
4 reimbursement for the 1995-1996 and 1996-1997 school years,
5 subject to federal approval.

6 Section 995. Subsection (1) of section 409.9071,
7 Florida Statutes, as amended by sections 13 and 18 of chapter
8 97-263, Laws of Florida, is amended to read:

9 409.9071 Medicaid provider agreements for school
10 districts certifying state match.--

11 (1) Subject to any limitations provided for in the
12 General Appropriations Act, the agency, in compliance with
13 appropriate federal authorization, shall develop policies and
14 procedures to allow for certification of state and local
15 education funds which have been provided for services as
16 authorized in s. 1011.70 ~~236.0812~~. Any state or local funds
17 certified pursuant to this section shall be for children with
18 specified disabilities who are eligible for Medicaid and who
19 have an individualized educational plan that demonstrates that
20 such services are medically necessary and a physician
21 authorization order if required by federal Medicaid laws.

22 Section 996. Subsection (21) of section 409.908,
23 Florida Statutes, is amended to read:

24 409.908 Reimbursement of Medicaid providers.--Subject
25 to specific appropriations, the agency shall reimburse
26 Medicaid providers, in accordance with state and federal law,
27 according to methodologies set forth in the rules of the
28 agency and in policy manuals and handbooks incorporated by
29 reference therein. These methodologies may include fee
30 schedules, reimbursement methods based on cost reporting,
31 negotiated fees, competitive bidding pursuant to s. 287.057,

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1 and other mechanisms the agency considers efficient and
2 effective for purchasing services or goods on behalf of
3 recipients. Payment for Medicaid compensable services made on
4 behalf of Medicaid eligible persons is subject to the
5 availability of moneys and any limitations or directions
6 provided for in the General Appropriations Act or chapter 216.
7 Further, nothing in this section shall be construed to prevent
8 or limit the agency from adjusting fees, reimbursement rates,
9 lengths of stay, number of visits, or number of services, or
10 making any other adjustments necessary to comply with the
11 availability of moneys and any limitations or directions
12 provided for in the General Appropriations Act, provided the
13 adjustment is consistent with legislative intent.

14 (21) The agency shall reimburse school districts which
15 certify the state match pursuant to ss. 1011.70 ~~236.0812~~ and
16 409.9071 for the federal portion of the school district's
17 allowable costs to deliver the services, based on the
18 reimbursement schedule. The school district shall determine
19 the costs for delivering services as authorized in ss. 1011.70
20 ~~236.0812~~ and 409.9071 for which the state match will be
21 certified. Reimbursement of school-based providers is
22 contingent on such providers being enrolled as Medicaid
23 providers and meeting the qualifications contained in 42
24 C.F.R. s. 440.110, unless otherwise waived by the federal
25 Health Care Financing Administration. Speech therapy providers
26 who are certified through the Department of Education pursuant
27 to rule 6A-4.0176, Florida Administrative Code, are eligible
28 for reimbursement for services that are provided on school
29 premises. Any employee of the school district who has been
30 fingerprinted and has received a criminal background check in
31 accordance with Department of Education rules and guidelines

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1 shall be exempt from any agency requirements relating to
2 criminal background checks.

3 Section 997. Paragraph (a) of subsection (2) of
4 section 409.9122, Florida Statutes, is amended to read:
5 409.9122 Mandatory Medicaid managed care enrollment;
6 programs and procedures.--

7 (2)(a) The agency shall enroll in a managed care plan
8 or MediPass all Medicaid recipients, except those Medicaid
9 recipients who are: in an institution; enrolled in the
10 Medicaid medically needy program; or eligible for both
11 Medicaid and Medicare. However, to the extent permitted by
12 federal law, the agency may enroll in a managed care plan or
13 MediPass a Medicaid recipient who is exempt from mandatory
14 managed care enrollment, provided that:

15 1. The recipient's decision to enroll in a managed
16 care plan or MediPass is voluntary;

17 2. If the recipient chooses to enroll in a managed
18 care plan, the agency has determined that the managed care
19 plan provides specific programs and services which address the
20 special health needs of the recipient; and

21 3. The agency receives any necessary waivers from the
22 federal Health Care Financing Administration.

23
24 The agency shall develop rules to establish policies by which
25 exceptions to the mandatory managed care enrollment
26 requirement may be made on a case-by-case basis. The rules
27 shall include the specific criteria to be applied when making
28 a determination as to whether to exempt a recipient from
29 mandatory enrollment in a managed care plan or MediPass.

30 School districts participating in the certified school match
31 program pursuant to ss. 1011.70 ~~236.0812~~ and 409.908(21) shall

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1 be reimbursed by Medicaid, subject to the limitations of s.
2 1011.70(1) ~~236.0812(1) and (2)~~, for a Medicaid-eligible child
3 participating in the services as authorized in s. 1011.70
4 ~~236.0812~~, as provided for in s. 409.9071, regardless of
5 whether the child is enrolled in MediPass or a managed care
6 plan. Managed care plans shall make a good faith effort to
7 execute agreements with school districts regarding the
8 coordinated provision of services authorized under s. 1011.70
9 ~~236.0812~~. County health departments delivering school-based
10 services pursuant to ss. 381.0056 and 381.0057 shall be
11 reimbursed by Medicaid for the federal share for a
12 Medicaid-eligible child who receives Medicaid-covered services
13 in a school setting, regardless of whether the child is
14 enrolled in MediPass or a managed care plan. Managed care
15 plans shall make a good faith effort to execute agreements
16 with county health departments regarding the coordinated
17 provision of services to a Medicaid-eligible child. To ensure
18 continuity of care for Medicaid patients, the agency, the
19 Department of Health, and the Department of Education shall
20 develop procedures for ensuring that a student's managed care
21 plan or MediPass provider receives information relating to
22 services provided in accordance with ss. ~~236.0812~~, 381.0056,
23 381.0057, ~~and~~ 409.9071, and 1011.70.

24 Section 998. Paragraph (d) of subsection (5) and
25 subsection (10) of section 411.01, Florida Statutes, are
26 amended to read:

27 411.01 Florida Partnership for School Readiness;
28 school readiness coalitions.--

29 (5) CREATION OF SCHOOL READINESS COALITIONS.--

30 (d) Implementation.--

31 1. The school readiness program is to be phased in.

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1 | Until the coalition implements its plan, the county shall
2 | continue to receive the services identified in subsection (3)
3 | through the various agencies that would be responsible for
4 | delivering those services under current law. Plan
5 | implementation is subject to approval of the coalition and the
6 | plan by the Florida Partnership for School Readiness.

7 | 2. Each school readiness coalition shall develop a
8 | plan for implementing the school readiness program to meet the
9 | requirements of this section and the performance standards and
10 | outcome measures established by the partnership. The plan must
11 | include a written description of the role of the program in
12 | the coalition's effort to meet the first state education goal,
13 | readiness to start school, including a description of the plan
14 | to involve the prekindergarten early intervention programs,
15 | Head Start Programs, programs offered by public or private
16 | providers of child care, preschool programs for children with
17 | disabilities, programs for migrant children, Title I programs,
18 | subsidized child care programs, and teen parent programs. The
19 | plan must also demonstrate how the program will ensure that
20 | each 3-year-old and 4-year-old child in a publicly funded
21 | school readiness program receives scheduled activities and
22 | instruction designed to prepare children to enter kindergarten
23 | ready to learn. Prior to implementation of the program, the
24 | school readiness coalition must submit the plan to the
25 | partnership for approval. The partnership may approve the
26 | plan, reject the plan, or approve the plan with conditions.
27 | The Florida Partnership for School Readiness shall review
28 | coalition plans at least annually.

29 | 3. The plan for the school readiness program must
30 | include the following minimum standards and provisions:

31 | a. A sliding fee scale establishing a copayment for

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1 parents based upon their ability to pay, which is the same for
2 all program providers, to be implemented and reflected in each
3 program's budget.

4 b. A choice of settings and locations in licensed,
5 registered, religious-exempt, or school-based programs to be
6 provided to parents.

7 c. Instructional staff who have completed the training
8 course as required in s. 402.305(2)(d)1., as well as staff who
9 have additional training or credentials as required by the
10 partnership. The plan must provide a method for assuring the
11 qualifications of all personnel in all program settings.

12 d. Specific eligibility priorities for children within
13 the coalition's county pursuant to subsection (6).

14 e. Performance standards and outcome measures
15 established by the partnership or alternatively, standards and
16 outcome measures to be used until such time as the partnership
17 adopts such standards and outcome measures.

18 f. Reimbursement rates that have been developed by the
19 coalition. Reimbursement rates shall not have the effect of
20 limiting parental choice or creating standards or levels of
21 services that have not been authorized by the Legislature.

22 g. Systems support services, including a central
23 agency, child care resource and referral, eligibility
24 determinations, training of providers, and parent support and
25 involvement.

26 h. Direct enhancement services to families and
27 children. System support and direct enhancement services shall
28 be in addition to payments for the placement of children in
29 school readiness programs.

30 i. A business plan, which must include the contract
31 with a school readiness agent if the coalition is not a

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1 | legally established corporate entity. Coalitions may contract
2 | with other coalitions to achieve efficiency in multiple-county
3 | services, and such contracts may be part of the coalition's
4 | business plan.

5 | j. Strategies to meet the needs of unique populations,
6 | such as migrant workers.

7 |
8 | As part of the plan, the coalition may request the Governor to
9 | apply for a waiver to allow the coalition to administer the
10 | Head Start Program to accomplish the purposes of the school
11 | readiness program. If any school readiness plan can
12 | demonstrate that specific statutory goals can be achieved more
13 | effectively by using procedures that require modification of
14 | existing rules, policies, or procedures, a request for a
15 | waiver to the partnership may be made as part of the plan.
16 | Upon review, the partnership may grant the proposed
17 | modification.

18 | 4. Persons with an early childhood teaching
19 | certificate may provide support and supervision to other staff
20 | in the school readiness program.

21 | 5. The coalition may not implement its plan until it
22 | submits the plan to and receives approval from the
23 | partnership. Once the plan has been approved, the plan and the
24 | services provided under the plan shall be controlled by the
25 | coalition rather than by the state agencies or departments.
26 | The plan shall be reviewed and revised as necessary, but at
27 | least biennially.

28 | 6. The following statutes will not apply to local
29 | coalitions with approved plans: ss. 125.901(2)(a)3., 411.221,
30 | and 411.232. To facilitate innovative practices and to allow
31 | local establishment of school readiness programs, a school

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1 readiness coalition may apply to the Governor and Cabinet for
2 a waiver of, and the Governor and Cabinet may waive, any of
3 the provisions of ss. ~~230.23166~~, 411.223, ~~and~~ 411.232, and
4 1003.54 if the waiver is necessary for implementation of the
5 coalition's school readiness plan.

6 7. Two or more counties may join for the purpose of
7 planning and implementing a school readiness program.

8 8. A coalition may, subject to approval of the
9 partnership as part of the coalition's plan, receive
10 subsidized child care funds for all children eligible for any
11 federal subsidized child care program and be the provider of
12 the program services.

13 9. Coalitions are authorized to enter into multiparty
14 contracts with multicounty service providers in order to meet
15 the needs of unique populations such as migrant workers.

16 (10) SCHOOL READINESS UNIFORM SCREENING.--The
17 Department of Education shall implement a school readiness
18 uniform screening, including a pilot program during the
19 2001-2002 school year, to validate the system recommended by
20 the Florida Partnership for School Readiness as part of a
21 comprehensive evaluation design. Beginning with the 2002-2003
22 school year, the department shall require that all school
23 districts administer the school readiness uniform screening to
24 each kindergarten student in the district school system upon
25 the student's entry into kindergarten. Children who enter
26 public school for the first time in first grade must undergo a
27 uniform screening adopted for use in first grade. The
28 department shall incorporate school readiness data into the
29 K-20 data warehouse for longitudinal tracking. Notwithstanding
30 s. 1002.22 ~~228.093~~, the department shall provide the
31 partnership and the Agency for Workforce Innovation with

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1 complete and full access to kindergarten uniform screening
2 data at the student, school, district, and state levels in a
3 format that will enable the partnership and the agency to
4 prepare reports needed by state policymakers and local school
5 readiness coalitions to access progress toward school
6 readiness goals and provide input for continuous improvement
7 of local school readiness services and programs.

8 Section 999. Paragraph (f) of subsection (8) of
9 section 411.203, Florida Statutes, is amended to read:

10 411.203 Continuum of comprehensive services.--The
11 Department of Education and the Department of Health and
12 Rehabilitative Services shall utilize the continuum of
13 prevention and early assistance services for high-risk
14 pregnant women and for high-risk and handicapped children and
15 their families, as outlined in this section, as a basis for
16 the intraagency and interagency program coordination,
17 monitoring, and analysis required in this chapter. The
18 continuum shall be the guide for the comprehensive statewide
19 approach for services for high-risk pregnant women and for
20 high-risk and handicapped children and their families, and may
21 be expanded or reduced as necessary for the enhancement of
22 those services. Expansion or reduction of the continuum shall
23 be determined by intraagency or interagency findings and
24 agreement, whichever is applicable. Implementation of the
25 continuum shall be based upon applicable eligibility criteria,
26 availability of resources, and interagency prioritization when
27 programs impact both agencies, or upon single agency
28 prioritization when programs impact only one agency. The
29 continuum shall include, but not be limited to:

30 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND
31 PARENTS OF HIGH-RISK CHILDREN.--

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1 (f) Parent support groups, such as the community
2 resource mother or father program as established in s. 402.45,
3 ~~the Florida First Start Program as established in s. 230.2303,~~
4 or parents as first teachers, to strengthen families and to
5 enable families of high-risk children to better meet their
6 needs.

7 Section 1000. Subsection (2) of section 411.223,
8 Florida Statutes, is amended to read:

9 411.223 Uniform standards.--

10 (2) Duplicative diagnostic and planning practices
11 shall be eliminated to the extent possible. Diagnostic and
12 other information necessary to provide quality services to
13 high-risk or handicapped children shall be shared among the
14 program offices of the Department of Children and Family
15 Services, pursuant to the provisions of s. 1002.22 ~~228.093~~.

16 Section 1001. Subsection (1) of section 414.1251,
17 Florida Statutes, is amended to read:

18 414.1251 Learnfare program.--

19 (1) The department shall reduce the temporary cash
20 assistance for a participant's eligible dependent child or for
21 an eligible teenage participant who has not been exempted from
22 education participation requirements, if the eligible
23 dependent child or eligible teenage participant has been
24 identified either as a habitual truant, pursuant to s.
25 1003.01(8) ~~228.041(28)~~, or as a dropout, pursuant to s.
26 1003.01(9) ~~228.041(29)~~. For a student who has been identified
27 as a habitual truant, the temporary cash assistance must be
28 reinstated after a subsequent grading period in which the
29 child's attendance has substantially improved. For a student
30 who has been identified as a dropout, the temporary cash
31 assistance must be reinstated after the student enrolls in a

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1 public school, receives a high school diploma or its
2 equivalency, enrolls in preparation for the General
3 Educational Development Tests, or enrolls in other educational
4 activities approved by the district school board. Good cause
5 exemptions from the rule of unexcused absences include the
6 following:

7 (a) The student is expelled from school and
8 alternative schooling is not available.

9 (b) No licensed day care is available for a child of
10 teen parents subject to Learnfare.

11 (c) Prohibitive transportation problems exist (e.g.,
12 to and from day care).

13

14 Within 10 days after sanction notification, the participant
15 parent of a dependent child or the teenage participant may
16 file an internal fair hearings process review procedure
17 appeal, and no sanction shall be imposed until the appeal is
18 resolved.

19 Section 1002. Paragraph (c) of subsection (1) of
20 section 440.16, Florida Statutes, is amended to read:

21 440.16 Compensation for death.--

22 (1) If death results from the accident within 1 year
23 thereafter or follows continuous disability and results from
24 the accident within 5 years thereafter, the employer shall
25 pay:

26 (c) To the surviving spouse, payment of postsecondary
27 student fees for instruction at any area technical center
28 established under s. 1001.44 ~~230-63~~ for up to 1,800 classroom
29 hours or payment of student fees at any community college
30 established under part III of chapter 1004 ~~240~~ for up to 80
31 semester hours. The spouse of a deceased state employee shall

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1 be entitled to a full waiver of such fees as provided in ss.
2 1009.22 ~~239.117~~ and 1009.23 ~~240.345~~ in lieu of the payment of
3 such fees. The benefits provided for in this paragraph shall
4 be in addition to other benefits provided for in this section
5 and shall terminate 7 years after the death of the deceased
6 employee, or when the total payment in eligible compensation
7 under paragraph (b) has been received. To qualify for the
8 educational benefit under this paragraph, the spouse shall be
9 required to meet and maintain the regular admission
10 requirements of, and be registered at, such area technical
11 center or community college, and make satisfactory academic
12 progress as defined by the educational institution in which
13 the student is enrolled.

14 Section 1003. Paragraph (e) of subsection (6) and
15 paragraph (e) of subsection (9) of section 445.004, Florida
16 Statutes, are amended to read:

17 445.004 Workforce Florida, Inc.; creation; purpose;
18 membership; duties and powers.--

19 (6) Workforce Florida, Inc., may take action that it
20 deems necessary to achieve the purposes of this section,
21 including, but not limited to:

22 (e) Providing policy direction for a system to project
23 and evaluate labor market supply and demand using the results
24 of the Workforce Estimating Conference created in s. 216.136
25 and the career education performance standards identified
26 under s. 1008.43 ~~239.233~~.

27 (9) Workforce Florida, Inc., in collaboration with the
28 regional workforce boards and appropriate state agencies and
29 local public and private service providers, and in
30 consultation with the Office of Program Policy Analysis and
31 Government Accountability, shall establish uniform measures

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1 and standards to gauge the performance of the workforce
2 development strategy. These measures and standards must be
3 organized into three outcome tiers.

4 (e) Job placement must be reported pursuant to s.
5 1008.39 ~~229.8075~~. Positive outcomes for providers of education
6 and training must be consistent with ss. 1008.42 ~~239.233~~ and
7 1008.43 ~~239.245~~.

8 Section 1004. Paragraph (a) of subsection (1) of
9 section 445.0121, Florida Statutes, is amended to read:

10 445.0121 Student eligibility requirements for initial
11 awards.--

12 (1) To be eligible for an initial award for
13 lower-division college credit courses that lead to a
14 baccalaureate degree, as defined in s. 445.0122(5), a student
15 must:

16 (a)1. Have been a resident of this state for no less
17 than 3 years for purposes other than to obtain an education;
18 or

19 2. Have received a standard Florida high school
20 diploma, as provided in s. 1003.43 ~~232.246~~, or its equivalent,
21 as described in s. 229.814, unless:

22 a. The student is enrolled full-time in the
23 early-admission program of an eligible postsecondary education
24 institution or completes a home education program in
25 accordance with s. 1002.41 ~~232.0201~~; or

26 b. The student earns a high school diploma from a
27 non-Florida school while living with a parent or guardian who
28 is on military or public service assignment outside this
29 state.

30 Section 1005. Paragraph (i) of subsection (1) of
31 section 445.024, Florida Statutes, is amended to read:

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1 445.024 Work requirements.--

2 (1) WORK ACTIVITIES.--The following activities may be
3 used individually or in combination to satisfy the work
4 requirements for a participant in the temporary cash
5 assistance program:

6 (i) Education services related to employment for
7 participants 19 years of age or younger.--Education services
8 provided under this paragraph are designed to prepare a
9 participant for employment in an occupation. The agency shall
10 coordinate education services with the school-to-work
11 activities provided under s. 1006.02 ~~229.595~~. Activities
12 provided under this paragraph are restricted to participants
13 19 years of age or younger who have not completed high school
14 or obtained a high school equivalency diploma.

15 Section 1006. Subsection (2), paragraph (i) of
16 subsection (3), paragraph (a) of subsection (4), subsection
17 (10), and subsection (18) of section 447.203, Florida
18 Statutes, are amended to read:

19 447.203 Definitions.--As used in this part:

20 (2) "Public employer" or "employer" means the state or
21 any county, municipality, or special district or any
22 subdivision or agency thereof which the commission determines
23 has sufficient legal distinctiveness properly to carry out the
24 functions of a public employer. With respect to all public
25 employees determined by the commission as properly belonging
26 to a statewide bargaining unit composed of State Career
27 Service System employees or Selected Professional Service
28 employees, the Governor shall be deemed to be the public
29 employer; and the university board of trustees ~~Board of~~
30 ~~Regents~~ shall be deemed to be the public employer with respect
31 to all public employees of the respective state university

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1 ~~within the State University System as provided in s.~~
2 ~~240.209(3)(f), except that such employees shall have the~~
3 ~~right, in elections to be conducted at each university by the~~
4 ~~commission pursuant to its rules, to elect not to participate~~
5 ~~in collective bargaining. In the event that a majority of such~~
6 ~~voting employees at any university elect not to participate in~~
7 ~~collective bargaining, they shall be removed from the~~
8 ~~applicable Board of Regents bargaining unit. If, thereafter,~~
9 ~~by election conducted by the commission pursuant to its rules,~~
10 ~~a majority of such voting employees elect to participate in~~
11 ~~collective bargaining, they shall be included again in the~~
12 ~~applicable Board of Regents bargaining unit for such purpose.~~

13 The board of trustees of a community college shall be deemed
14 to be the public employer with respect to all employees of the
15 community college. The district school board shall be deemed
16 to be the public employer with respect to all employees of the
17 school district. The Board of Trustees of the Florida School
18 for the Deaf and the Blind shall be deemed to be the public
19 employer with respect to the academic and academic
20 administrative personnel of the Florida School for the Deaf
21 and the Blind. The Governor shall be deemed to be the public
22 employer with respect to all employees in the Correctional
23 Education Program of the Department of Corrections established
24 pursuant to s. 944.801.

25 (3) "Public employee" means any person employed by a
26 public employer except:

27 (i) Those persons enrolled as ~~graduate students in the~~
28 ~~State University System who are employed as graduate~~
29 ~~assistants, graduate teaching assistants, graduate teaching~~
30 ~~associates, graduate research assistants, or graduate research~~
31 ~~associates and those persons enrolled as undergraduate~~

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1 students in a state university ~~the State University System~~ who
2 perform part-time work for the state university ~~State~~
3 ~~University System~~.

4 (4) "Managerial employees" are those employees who:

5 (a) Perform jobs that are not of a routine, clerical,
6 or ministerial nature and require the exercise of independent
7 judgment in the performance of such jobs and to whom one or
8 more of the following applies:

9 1. They formulate or assist in formulating policies
10 which are applicable to bargaining unit employees.

11 2. They may reasonably be required on behalf of the
12 employer to assist in the preparation for the conduct of
13 collective bargaining negotiations.

14 3. They have a role in the administration of
15 agreements resulting from collective bargaining negotiations.

16 4. They have a significant role in personnel
17 administration.

18 5. They have a significant role in employee relations.

19 6. They are included in the definition of
20 administrative personnel contained in s. 1012.01(3)
21 ~~228.041(10)~~.

22 7. They have a significant role in the preparation or
23 administration of budgets for any public agency or institution
24 or subdivision thereof.

25
26 However, in determining whether an individual is a managerial
27 employee pursuant to either paragraph (a) or paragraph (b),
28 above, the commission may consider historic relationships of
29 the employee to the public employer and to coemployees.

30 (10) "Legislative body" means the State Legislature,
31 the board of county commissioners, the district school board,

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1 the governing body of a municipality, or the governing body of
2 an instrumentality or unit of government having authority to
3 appropriate funds and establish policy governing the terms and
4 conditions of employment and which, as the case may be, is the
5 appropriate legislative body for the bargaining unit. For
6 purposes of s. 447.403, the state university board of trustees
7 shall be deemed to be the legislative body with respect to all
8 employees of the state university. For purposes of s. 447.403
9 the board of trustees of a community college shall be deemed
10 to be the legislative body with respect to all employees of
11 the community college.

12 (18) "Student representative" means the representative
13 selected by each community college or university student
14 government association ~~and the council of student body~~
15 ~~presidents~~. Each representative may be present at all
16 negotiating sessions that ~~which~~ take place between the
17 appropriate public employer and an exclusive bargaining agent.
18 ~~The said~~ representative must ~~shall~~ be enrolled as a student
19 with at least 8 credit hours in the respective community
20 college or university ~~or in the State University System~~ during
21 his or her term as student representative.

22 Section 1007. Subsection (5) of section 447.301,
23 Florida Statutes, is amended to read:

24 447.301 Public employees' rights; organization and
25 representation.--

26 (5) ~~In negotiations over the terms and conditions of~~
27 ~~service and other matters affecting the working environment of~~
28 ~~employees, or the learning environment of students, in~~
29 ~~institutions of higher education, one student representative~~
30 ~~selected by the council of student body presidents may, at his~~
31 ~~or her discretion, be present at all negotiating sessions~~

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1 ~~which take place between the Board of Regents and the~~
2 ~~bargaining agent for an employee bargaining unit.~~ In the case
3 of community colleges and universities, the student government
4 association of each community college or university shall
5 establish procedures for the selection of, and shall select, a
6 student representative to be present, at his or her
7 discretion, at negotiations between the bargaining agent of
8 the employees and the board of trustees. Each student
9 representative shall have access to all written draft
10 agreements and all other written documents pertaining to
11 negotiations exchanged by the appropriate public employer and
12 the bargaining agent, including a copy of any prepared written
13 transcripts of any negotiating session. Each student
14 representative shall have the right at reasonable times during
15 the negotiating session to comment to the parties and to the
16 public upon the impact of proposed agreements on the
17 educational environment of students. Each student
18 representative shall have the right to be accompanied by
19 alternates or aides, not to exceed a combined total of two in
20 number. Each student representative shall be obligated to
21 participate in good faith during all negotiations and shall be
22 subject to the rules and regulations of the Public Employees
23 Relations Commission. The student representatives shall have
24 neither voting nor veto power in any negotiation, action, or
25 agreement. The state or any branch, agency, division, agent,
26 or institution of the state, including community colleges and
27 universities, may shall not expend any moneys from any source
28 for the payment of reimbursement for travel expenses or per
29 diem to aides, alternates, or student representatives
30 participating in, observing, or contributing to any
31 negotiating sessions between the bargaining parties; ~~however,~~

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1 ~~this limitation does not apply to the use of student activity~~
2 ~~fees for the reimbursement of travel expenses and per diem to~~
3 ~~the university student representative, aides, or alternates~~
4 ~~participating in the aforementioned negotiations between the~~
5 ~~Board of Regents and the bargaining agent for an employee~~
6 ~~bargaining unit.~~

7 Section 1008. Subsection (4) of section 447.403,
8 Florida Statutes, is amended to read:

9 447.403 Resolution of impasses.--

10 (4) ~~If in the event that either~~ the public employer or
11 the employee organization does not accept, in whole or in
12 part, the recommended decision of the special master:

13 (a) The chief executive officer of the governmental
14 entity involved shall, within 10 days after rejection of a
15 recommendation of the special master, submit to the
16 legislative body of the governmental entity involved a copy of
17 the findings of fact and recommended decision of the special
18 master, together with the chief executive officer's
19 recommendations for settling the disputed impasse issues. The
20 chief executive officer shall also transmit his or her
21 recommendations to the employee organization. ~~If the dispute~~
22 ~~involves employees for whom the Board of Regents is the public~~
23 ~~employer, the Governor may also submit recommendations to the~~
24 ~~legislative body for settling The disputed impasse issues;~~

25 (b) The employee organization shall submit its
26 recommendations for settling the disputed impasse issues to
27 such legislative body and to the chief executive officer;

28 (c) The legislative body or a duly authorized
29 committee thereof shall forthwith conduct a public hearing at
30 which the parties shall be required to explain their positions
31 with respect to the rejected recommendations of the special

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1 master;

2 (d) Thereafter, the legislative body shall take such
3 action as it deems to be in the public interest, including the
4 interest of the public employees involved, to resolve all
5 disputed impasse issues; and

6 (e) Following the resolution of the disputed impasse
7 issues by the legislative body, the parties shall reduce to
8 writing an agreement which includes those issues agreed to by
9 the parties and those disputed impasse issues resolved by the
10 legislative body's action taken pursuant to paragraph (d). The
11 agreement shall be signed by the chief executive officer and
12 the bargaining agent and shall be submitted to the public
13 employer and to the public employees who are members of the
14 bargaining unit for ratification. If such agreement is not
15 ratified by all parties, pursuant to the provisions of s.
16 447.309, the legislative body's action taken pursuant to the
17 provisions of paragraph (d) shall take effect as of the date
18 of such legislative body's action for the remainder of the
19 first fiscal year which was the subject of negotiations;
20 however, the legislative body's action shall not take effect
21 with respect to those disputed impasse issues which establish
22 the language of contractual provisions which could have no
23 effect in the absence of a ratified agreement, including, but
24 not limited to, preambles, recognition clauses, and duration
25 clauses.

26 Section 1009. Paragraph (b) of subsection (5) of
27 section 450.081, Florida Statutes, is amended to read:

28 450.081 Hours of work in certain occupations.--

29 (5) The provisions of subsections (1)-(4) shall not
30 apply to:

31 (b) Minors who are within the compulsory school

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1 attendance age limit who hold a valid certificate of exemption
2 issued by the school superintendent or his or her designee
3 pursuant to the provisions of s. 1003.21(3) ~~232-06~~.

4 Section 1010. Subsection (2) of section 450.121,
5 Florida Statutes, is amended to read:

6 450.121 Enforcement of Child Labor Law.--

7 (2) It is the duty of the department and its agents
8 and all sheriffs or other law enforcement officers of the
9 state or of any municipality of the state to enforce the
10 provisions of this law, to make complaints against persons
11 violating its provisions, and to prosecute violations of the
12 same. The department and its agents have authority to enter
13 and inspect at any time any place or establishment covered by
14 this law and to have access to age certificates kept on file
15 by the employer and such other records as may aid in the
16 enforcement of this law. A designated school representative
17 acting in accordance with s. 1003.26 ~~232-17~~ shall report to
18 the department all violations of the Child Labor Law that may
19 come to his or her knowledge.

20 Section 1011. Subsection (4) of section 458.3145,
21 Florida Statutes, is amended to read:

22 458.3145 Medical faculty certificate.--

23 (4) In any year, the maximum number of extended
24 medical faculty certificateholders as provided in subsection
25 (2) may not exceed 15 persons at each institution named in
26 subparagraphs (1)(i)1.-4. and at the facility named in s.
27 1004.43 ~~240-512~~ and may not exceed 5 persons at the
28 institution named in subparagraph (1)(i)5.

29 Section 1012. Subsection (1) and paragraph (a) of
30 subsection (2) of section 458.324, Florida Statutes, are
31 amended to read:

1730

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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 patient's legal representative for further consideration and

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1 possible later discussion.

2

3 Nothing in this subsection shall reduce other provisions of
4 law regarding informed consent.

5 Section 1013. Subsection (1) and paragraph (a) of
6 subsection (2) of section 459.0125, Florida Statutes, are
7 amended to read:

8 459.0125 Breast cancer; information on treatment
9 alternatives.--

10 (1) DEFINITION.--As used in this section, the term
11 "medically viable," as applied to treatment alternatives,
12 means modes of treatment generally considered by the medical
13 profession to be within the scope of current, acceptable
14 standards, including treatment alternatives described in the
15 written summary prepared by the Florida Cancer Control and
16 Research Advisory Council in accordance with s. 1004.435(4)(m)
17 ~~240.5121(4)(m)~~.

18 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--It is
19 the obligation of every physician treating a patient who is,
20 or in the judgment of the physician is at high risk of being,
21 diagnosed as having breast cancer to inform such patient of
22 the medically viable treatment alternatives available to such
23 patient; to describe such treatment alternatives; and to
24 explain the relative advantages, disadvantages, and risks
25 associated with the treatment alternatives to the extent
26 deemed necessary to allow the patient to make a prudent
27 decision regarding such treatment options. In compliance with
28 this subsection:

29 (a) The physician may, in her or his discretion:

30 1. Orally communicate such information directly to the
31 patient or the patient's legal representative;

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1 2. Provide the patient or the patient's legal
2 representative with a copy of the written summary prepared in
3 accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~ and express
4 her or his willingness to discuss the summary with the patient
5 or the patient's legal representative; or

6 3. Both communicate such information directly and
7 provide a copy of the written summary to the patient or the
8 patient's legal representative for further consideration and
9 possible later discussion.

10

11 Nothing in this subsection shall reduce other provisions of
12 law regarding informed consent.

13 Section 1014. Paragraph (c) of subsection (2) of
14 section 468.1115, Florida Statutes, is amended to read:

15 468.1115 Exemptions.--

16 (2) The provisions of this part shall not apply to:

17 (c) Persons certified in the areas of speech-language
18 impairment or hearing impairment in this state under chapter
19 1012 ~~231~~ when engaging in the profession for which they are
20 certified, or any person under the direct supervision of such
21 a certified person, or of a licensee under this chapter, when
22 the person under such supervision is performing hearing
23 screenings in a school setting for prekindergarten through
24 grade 12.

25 Section 1015. Section 468.607, Florida Statutes, is
26 amended to read:

27 468.607 Certification of building code administration
28 and inspection personnel.--The board shall issue a certificate
29 to any individual whom the board determines to be qualified,
30 within such class and level as provided in this part and with
31 such limitations as the board may place upon it. No person

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1 | may be employed by a state agency or local governmental
2 | authority to perform the duties of a building code
3 | administrator, plans examiner, or building code inspector
4 | after October 1, 1993, without possessing the proper valid
5 | certificate issued in accordance with the provisions of this
6 | part. Any person who acts as an inspector and plans examiner
7 | under s. 1013.37 ~~235-26~~ while conducting activities authorized
8 | by certification under that section is certified to continue
9 | to conduct inspections for a local enforcement agency until
10 | the person's UBCI certification expires, after which time such
11 | person must possess the proper valid certificate issued in
12 | accordance with this part.

13 | Section 1016. Subsection (3) of section 468.723,
14 | Florida Statutes, is amended to read:

15 | 468.723 Exemptions.--Nothing in this part shall be
16 | construed as preventing or restricting:

17 | (3) A person employed as a teacher apprentice trainer
18 | I, a teacher apprentice trainer II, or a teacher athletic
19 | trainer under s. 1012.46 ~~232-435~~.

20 | Section 1017. Section 471.0035, Florida Statutes, is
21 | amended to read:

22 | 471.0035 Instructors in postsecondary educational
23 | institutions; exemption from registration requirement.--For
24 | the sole purpose of teaching the principles and methods of
25 | engineering design, notwithstanding the provisions of s.
26 | 471.005(7), a person employed by a public postsecondary
27 | educational institution, or by an independent postsecondary
28 | educational institution licensed or exempt from licensure
29 | pursuant to the provisions of chapter 1005 ~~246~~, is not
30 | required to register under the provisions of this chapter as a
31 | registered engineer.

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1 Section 1018. Paragraph (c) of subsection (2) of
2 section 476.114, Florida Statutes, is amended to read:

3 476.114 Examination; prerequisites.--

4 (2) An applicant shall be eligible for licensure by
5 examination to practice barbering if the applicant:

6 (c)1. Holds an active valid license to practice
7 barbering in another state, has held the license for at least
8 1 year, and does not qualify for licensure by endorsement as
9 provided for in s. 476.144(5); or

10 2. Has received a minimum of 1,200 hours of training
11 as established by the board, which shall include, but shall
12 not be limited to, the equivalent of completion of services
13 directly related to the practice of barbering at one of the
14 following:

15 a. A school of barbering licensed pursuant to chapter
16 1005 246;

17 b. A barbering program within the public school
18 system; or

19 c. A government-operated barbering program in this
20 state.

21
22 The board shall establish by rule procedures whereby the
23 school or program may certify that a person is qualified to
24 take the required examination after the completion of a
25 minimum of 1,000 actual school hours. If the person passes the
26 examination, she or he shall have satisfied this requirement;
27 but if the person fails the examination, she or he shall not
28 be qualified to take the examination again until the
29 completion of the full requirements provided by this section.

30 Section 1019. Paragraph (a) of subsection (6) of
31 section 476.144, Florida Statutes, is amended to read:

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1 476.144 Licensure.--

2 (6) A person may apply for a restricted license to
3 practice barbering. The board shall adopt rules specifying
4 procedures for an applicant to obtain a restricted license if
5 the applicant:

6 (a)1. Has successfully completed a restricted barber
7 course, as established by rule of the board, at a school of
8 barbering licensed pursuant to chapter 1005 246, a barbering
9 program within the public school system, or a
10 government-operated barbering program in this state; or

11 2.a. Holds or has within the previous 5 years held an
12 active valid license to practice barbering in another state or
13 country or has held a Florida barbering license which has been
14 declared null and void for failure to renew the license, and
15 the applicant fulfilled the requirements of s. 476.114(2)(c)2.
16 for initial licensure; and

17 b. Has not been disciplined relating to the practice
18 of barbering in the previous 5 years; and

19
20 The restricted license shall limit the licensee's practice to
21 those specific areas in which the applicant has demonstrated
22 competence pursuant to rules adopted by the board.

23 Section 1020. Section 476.178, Florida Statutes, is
24 amended to read:

25 476.178 Schools of barbering; licensure.--No private
26 school of barbering shall be permitted to operate without a
27 license issued by the Commission for Independent State Board
28 ~~of Nonpublic Career Education~~ pursuant to chapter 1005 246.

29 However, this section shall not be construed to prevent
30 certification by the Department of Education of barber
31 training programs within the public school system or to

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1 prevent government operation of any other program of barbering
2 in this state.

3 Section 1021. Paragraph (d) of subsection (1) of
4 section 477.0132, Florida Statutes, is amended to read:

5 477.0132 Hair braiding, hair wrapping, and body
6 wrapping registration.--

7 (1)

8 (d) Only the board may review, evaluate, and approve a
9 course required of an applicant for registration under this
10 subsection in the occupation or practice of hair braiding,
11 hair wrapping, or body wrapping. A provider of such a course
12 is not required to hold a license under chapter 1005 246.

13 Section 1022. Paragraph (c) of subsection (2) of
14 section 477.019, Florida Statutes, is amended to read:

15 477.019 Cosmetologists; qualifications; licensure;
16 supervised practice; license renewal; endorsement; continuing
17 education.--

18 (2) An applicant shall be eligible for licensure by
19 examination to practice cosmetology if the applicant:

20 (c)1. Is authorized to practice cosmetology in another
21 state or country, has been so authorized for at least 1 year,
22 and does not qualify for licensure by endorsement as provided
23 for in subsection (6); or

24 2. Has received a minimum of 1,200 hours of training
25 as established by the board, which shall include, but shall
26 not be limited to, the equivalent of completion of services
27 directly related to the practice of cosmetology at one of the
28 following:

29 a. A school of cosmetology licensed pursuant to
30 chapter 1005 246.

31 b. A cosmetology program within the public school

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1 system.

2 c. The Cosmetology Division of the Florida School for
3 the Deaf and the Blind, provided the division meets the
4 standards of this chapter.

5 d. A government-operated cosmetology program in this
6 state.

7
8 The board shall establish by rule procedures whereby the
9 school or program may certify that a person is qualified to
10 take the required examination after the completion of a
11 minimum of 1,000 actual school hours. If the person then
12 passes the examination, he or she shall have satisfied this
13 requirement; but if the person fails the examination, he or
14 she shall not be qualified to take the examination again until
15 the completion of the full requirements provided by this
16 section.

17 Section 1023. Paragraph (b) of subsection (1) of
18 section 477.0201, Florida Statutes, is amended to read:

19 477.0201 Specialty registration; qualifications;
20 registration renewal; endorsement.--

21 (1) Any person is qualified for registration as a
22 specialist in any one or more of the specialty practices
23 within the practice of cosmetology under this chapter who:

24 (b) Has received a certificate of completion in a
25 specialty pursuant to s. 477.013(6) from one of the following:

26 1. A school licensed pursuant to s. 477.023.

27 2. A school licensed pursuant to chapter 1005 ~~246~~ or
28 the equivalent licensing authority of another state.

29 3. A specialty program within the public school
30 system.

31 4. A specialty division within the Cosmetology

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1 Division of the Florida School for the Deaf and the Blind,
2 provided the training programs comply with minimum curriculum
3 requirements established by the board.

4 Section 1024. Section 477.023, Florida Statutes, is
5 amended to read:

6 477.023 Schools of cosmetology; licensure.--No private
7 school of cosmetology shall be permitted to operate without a
8 license issued by the Commission for Independent State Board
9 ~~of Nonpublic Career Education~~ pursuant to chapter 1005 246.
10 However, nothing herein shall be construed to prevent
11 certification by the Department of Education of cosmetology
12 training programs within the public school system or to
13 prevent government operation of any other program of
14 cosmetology in this state.

15 Section 1025. Subsection (9) of section 480.033,
16 Florida Statutes, is amended to read:

17 480.033 Definitions.--As used in this act:

18 (9) "Board-approved massage school" means a facility
19 which meets minimum standards for training and curriculum as
20 determined by rule of the board and which is licensed by the
21 Department of Education pursuant to chapter 1005 246 or the
22 equivalent licensing authority of another state or is within
23 the public school system of this state.

24 Section 1026. Paragraph (c) of subsection (1) of
25 section 481.229, Florida Statutes, is amended to read:

26 481.229 Exceptions; exemptions from licensure.--

27 (1) No person shall be required to qualify as an
28 architect in order to make plans and specifications for, or
29 supervise the erection, enlargement, or alteration of:

30 (c) Any other type of building costing less than
31 \$25,000, except a school, auditorium, or other building

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1 intended for public use, provided that the services of a
2 registered architect shall not be required for minor school
3 projects pursuant to s. 1013.45 ~~235.211~~.

4 Section 1027. Section 488.01, Florida Statutes, is
5 amended to read:

6 488.01 License to engage in business of operating a
7 driver's school required.--The Department of Highway Safety
8 and Motor Vehicles shall oversee and license all commercial
9 driver's schools except truck driving schools. All commercial
10 truck driving schools shall be required to be licensed
11 pursuant to chapter 1005 ~~246~~, and additionally shall be
12 subject to the provisions of ss. 488.04 and 488.05. No
13 person, group, organization, institution, business entity, or
14 corporate entity may engage in the business of operating a
15 driver's school without first obtaining a license therefor
16 from the Department of Highway Safety and Motor Vehicles
17 pursuant to this chapter or from the State Board of Nonpublic
18 Career Education pursuant to chapter 1005 ~~246~~.

19 Section 1028. Subsections (12) and (13) of section
20 553.415, Florida Statutes, are amended to read:

21 553.415 Factory-built school buildings.--

22 (12) Such identification label shall be permanently
23 affixed by the manufacturer in the case of newly constructed
24 factory-built school buildings, or by the department or its
25 designee in the case of an existing factory-built building
26 altered to comply with provisions of s. 1013.20 ~~235.061~~.

27 (13) As of July 1, 2001, all newly constructed
28 factory-built school buildings shall bear a label pursuant to
29 subsection (12). As of July 1, 2002, existing factory-built
30 school buildings and manufactured buildings used as classrooms
31 and not bearing such label shall not be used as classrooms

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1 pursuant to s. 1013.20 ~~235-061~~.

2 Section 1029. Subsection (5) of section 559.902,
3 Florida Statutes, is amended to read:

4 559.902 Scope and application.--This act shall apply
5 to all motor vehicle repair shops in Florida, except:

6 (5) Those located in public schools as defined in s.
7 1000.04 ~~228-041~~ or charter technical career centers as defined
8 in s. 1002.34 ~~228-505~~.

9
10 However, such person may voluntarily register under this act.

11 Section 1030. Section 589.09, Florida Statutes, is
12 amended to read:

13 589.09 Use of lands acquired.--All lands acquired by
14 the Division of Forestry on behalf of the state shall be in
15 the custody of and subject to the jurisdiction, management,
16 and control of the said division, and, for such purposes and
17 the utilization and development of such land, the said
18 division may use the proceeds of the sale of any products
19 therefrom, the proceeds of the sale of any such lands, save
20 the 25 percent of such proceeds which shall be paid into the
21 State School Fund as required by s. 1010.71(1) ~~228-151~~, and
22 such other funds as may be appropriated for use by the
23 division, and in the opinion of such division, available for
24 such uses and purposes.

25 Section 1031. Subsection (1) of section 627.733,
26 Florida Statutes, is amended to read:

27 627.733 Required security.--

28 (1) Every owner or registrant of a motor vehicle,
29 other than a motor vehicle used as a taxicab, school bus as
30 defined in s. 1006.25 ~~234-051~~, or limousine, required to be
31 registered and licensed in this state shall maintain security

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1 as required by subsection (3) in effect continuously
2 throughout the registration or licensing period.

3 Section 1032. Subsection (2) of section 627.742,
4 Florida Statutes, is amended to read:

5 627.742 Nonpublic sector buses; additional liability
6 insurance coverage.--

7 (2) School buses subject to the provisions of chapter
8 1006 234 or s. 316.615 are exempt from the provisions of this
9 section.

10 Section 1033. Subsection (5) of section 627.912,
11 Florida Statutes, is amended to read:

12 627.912 Professional liability claims and actions;
13 reports by insurers.--

14 (5) Any self-insurance program established under s.
15 1004.24 240-213 shall report in duplicate to the Department of
16 Insurance any claim or action for damages for personal
17 injuries claimed to have been caused by error, omission, or
18 negligence in the performance of professional services
19 provided by the state university board of trustees ~~Board of~~
20 ~~Regents~~ through an employee or agent of the state university
21 board of trustees ~~Board of Regents~~, including practitioners of
22 medicine licensed under chapter 458, practitioners of
23 osteopathic medicine licensed under chapter 459, podiatric
24 physicians licensed under chapter 461, and dentists licensed
25 under chapter 466, or based on a claimed performance of
26 professional services without consent if the claim resulted in
27 a final judgment in any amount, or a settlement in any amount.
28 The reports required by this subsection shall contain the
29 information required by subsection (3) and the name, address,
30 and specialty of the employee or agent of the state university
31 board of trustees ~~Board of Regents~~ whose performance or

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1 professional services is alleged in the claim or action to
2 have caused personal injury.

3 Section 1034. Paragraph (b) of subsection (7) of
4 section 633.445, Florida Statutes, is amended to read:

5 633.445 State Fire Marshal Scholarship Grant
6 Program.--

7 (7) The criteria and procedures for establishing
8 standards of eligibility shall be recommended by the council
9 to the Department of Insurance. The council shall recommend
10 to the Department of Insurance a rating system upon which to
11 base the approval of scholarship grants. However, to be
12 eligible to receive a scholarship pursuant to this section, an
13 applicant must:

14 (b) Have graduated from high school, have earned an
15 equivalency diploma issued by the Department of Education
16 pursuant to s. 1003.435 ~~229.814~~, or have earned an equivalency
17 diploma issued by the United States Armed Forces Institute;

18 Section 1035. Paragraph (e) of subsection (1) of
19 section 633.50, Florida Statutes, is amended to read:

20 633.50 Division powers and duties; Florida State Fire
21 College.--

22 (1) The Division of State Fire Marshal of the
23 Department of Insurance, in performing its duties related to
24 the Florida State Fire College, specified in ss.
25 633.43-633.49, shall:

26 (e) Develop a staffing and funding formula for the
27 Florida State Fire College. The formula shall include
28 differential funding levels for various types of programs,
29 shall be based on the number of full-time equivalent students
30 and information obtained from scheduled attendance counts
31 taken the first day of each program, and shall provide the

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1 basis for the legislative budget request. As used in this
2 section, a full-time equivalent student is equal to a minimum
3 of 900 hours in a technical certificate ~~vocational~~ program and
4 400 hours in a degree-seeking program. The funding formula
5 shall be as prescribed pursuant to s. 1011.62 ~~236.081~~, shall
6 include procedures to document daily attendance, and shall
7 require that attendance records be retained for audit
8 purposes.

9 Section 1036. Paragraph (c) of subsection (2) of
10 section 732.402, Florida Statutes, is amended to read:

11 732.402 Exempt property.--

12 (2) Exempt property shall consist of:

13 (c) Florida Prepaid College Program contracts
14 purchased ~~under s. 240.551~~ and Florida College Savings
15 agreements established under part IV of chapter 1009 ~~s.~~
16 ~~240.553~~.

17 Section 1037. Section 784.081, Florida Statutes, is
18 amended to read:

19 784.081 Assault or battery on specified officials or
20 employees; reclassification of offenses.--Whenever a person is
21 charged with committing an assault or aggravated assault or a
22 battery or aggravated battery upon any elected official or
23 employee of: a school district; a private school; the Florida
24 School for the Deaf and the Blind; a university developmental
25 research school; a state university or any other entity of the
26 state system of public education, as defined in s. 1000.04
27 ~~228.041~~; an employee or protective investigator of the
28 Department of Children and Family Services; or an employee of
29 a lead community-based provider and its direct service
30 contract providers, when the person committing the offense
31 knows or has reason to know the identity or position or

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1 employment of the victim, the offense for which the person is
2 charged shall be reclassified as follows:

3 (1) In the case of aggravated battery, from a felony
4 of the second degree to a felony of the first degree.

5 (2) In the case of aggravated assault, from a felony
6 of the third degree to a felony of the second degree.

7 (3) In the case of battery, from a misdemeanor of the
8 first degree to a felony of the third degree.

9 (4) In the case of assault, from a misdemeanor of the
10 second degree to a misdemeanor of the first degree.

11 Section 1038. Section 817.566, Florida Statutes, is
12 amended to read:

13 817.566 Misrepresentation of association with, or
14 academic standing at, postsecondary educational
15 institution.--Any person who, with intent to defraud,
16 misrepresents his or her association with, or academic
17 standing or other progress at, any postsecondary educational
18 institution by falsely making, altering, simulating, or
19 forging a document, degree, certificate, diploma, award,
20 record, letter, transcript, form, or other paper; or any
21 person who causes or procures such a misrepresentation; or any
22 person who utters and publishes or otherwise represents such a
23 document, degree, certificate, diploma, award, record, letter,
24 transcript, form, or other paper as true, knowing it to be
25 false, is guilty of a misdemeanor of the first degree,
26 punishable as provided in s. 775.082 or s. 775.083.

27 Individuals who present a religious academic degree from any
28 college, university, seminary, or institution which is not
29 licensed by the State Board of Independent Colleges and
30 Universities or which is not exempt pursuant to the provisions
31 of s. 246.085 shall disclose the religious nature of the

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1 degree upon presentation.

2 Section 1039. Subsection (1) of section 817.567,
3 Florida Statutes, is amended to read:

4 817.567 Making false claims of academic degree or
5 title.--

6 (1) No person in the state may claim, either orally or
7 in writing, to possess an academic degree, as defined in s.
8 1005.02 ~~246.021~~, or the title associated with said degree,
9 unless the person has, in fact, been awarded said degree from
10 an institution that is:

11 (a) Accredited by a regional or professional
12 accrediting agency recognized by the United States Department
13 of Education or the Commission on Recognition of Postsecondary
14 Accreditation;

15 (b) Provided, operated, and supported by a state
16 government or any of its political subdivisions or by the
17 Federal Government;

18 (c) A school, institute, college, or university
19 chartered outside the United States, the academic degree from
20 which has been validated by an accrediting agency approved by
21 the United States Department of Education as equivalent to the
22 baccalaureate or postbaccalaureate degree conferred by a
23 regionally accredited college or university in the United
24 States;

25 (d) Licensed by the State Board of Independent
26 Colleges and Universities pursuant to ss. 1005.01-1005.38
27 ~~246.011-246.151~~ or exempt from licensure pursuant to s.
28 246.085; or

29 (e) A religious seminary, institute, college, or
30 university which offers only educational programs that prepare
31 students for a religious vocation, career, occupation,

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1 | profession, or lifework, and the nomenclature of whose
2 | certificates, diplomas, or degrees clearly identifies the
3 | religious character of the educational program.

4 | Section 1040. Paragraph (a) of subsection (1) of
5 | section 877.18, Florida Statutes, is amended to read:

6 | 877.18 Identification card or document purporting to
7 | contain applicant's age or date of birth; penalties for
8 | failure to comply with requirements for sale or issuance.--

9 | (1) It is unlawful for any person, except a
10 | governmental agency or instrumentality, to sell or issue, or
11 | to offer to sell or issue, in this state any identification
12 | card or document purporting to contain the age or date of
13 | birth of the person in whose name it was issued, unless:

14 | (a) Prior to selling or issuing such card or document,
15 | the person has first obtained from the applicant and retains
16 | for a period of 3 years from the date of sale:

17 | 1. An authenticated or certified copy of proof of age
18 | as provided in s. 1003.21(4) ~~232-03~~; and

19 | 2. A notarized affidavit from the applicant attesting
20 | to the applicant's age and that the proof-of-age document
21 | required by subparagraph 1. is for such applicant.

22 | Section 1041. Paragraph (a) of subsection (1) of
23 | section 921.187, Florida Statutes, is amended to read:

24 | 921.187 Disposition and sentencing; alternatives;
25 | restitution.--

26 | (1) The alternatives provided in this section for the
27 | disposition of criminal cases shall be used in a manner that
28 | will best serve the needs of society, punish criminal
29 | offenders, and provide the opportunity for rehabilitation.

30 | (a) If the offender does not receive a state prison
31 | sentence, the court may:

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1 1. Impose a split sentence whereby the offender is to
2 be placed on probation upon completion of any specified period
3 of such sentence, which period may include a term of years or
4 less.

5 2. Make any other disposition that is authorized by
6 law.

7 3. Place the offender on probation with or without an
8 adjudication of guilt pursuant to s. 948.01.

9 4. Impose a fine and probation pursuant to s. 948.011
10 when the offense is punishable by both a fine and imprisonment
11 and probation is authorized.

12 5. Place the offender into community control requiring
13 intensive supervision and surveillance pursuant to chapter
14 948.

15 6. Impose, as a condition of probation or community
16 control, a period of treatment which shall be restricted to a
17 county facility, a Department of Corrections probation and
18 restitution center, a probation program drug punishment
19 treatment community, or a community residential or
20 nonresidential facility, excluding a community correctional
21 center as defined in s. 944.026, which is owned and operated
22 by any qualified public or private entity providing such
23 services. Before admission to such a facility, the court shall
24 obtain an individual assessment and recommendations on the
25 appropriate treatment needs, which shall be considered by the
26 court in ordering such placements. Placement in such a
27 facility, except for a county residential probation facility,
28 may not exceed 364 days. Placement in a county residential
29 probation facility may not exceed 3 years. Early termination
30 of placement may be recommended to the court, when
31 appropriate, by the center supervisor, the supervising

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1 probation officer, or the probation program manager.

2 7. Sentence the offender pursuant to s. 922.051 to
3 imprisonment in a county jail when a statute directs
4 imprisonment in a state prison, if the offender's cumulative
5 sentence, whether from the same circuit or from separate
6 circuits, is not more than 364 days.

7 8. Sentence the offender who is to be punished by
8 imprisonment in a county jail to a jail in another county if
9 there is no jail within the county suitable for such prisoner
10 pursuant to s. 950.01.

11 9. Require the offender to participate in a
12 work-release or educational or technical ~~vocational~~ training
13 program pursuant to s. 951.24 while serving a sentence in a
14 county jail, if such a program is available.

15 10. Require the offender to perform a specified public
16 service pursuant to s. 775.091.

17 11. Require the offender who violates chapter 893 or
18 violates any law while under the influence of a controlled
19 substance or alcohol to participate in a substance abuse
20 program.

21 12.a. Require the offender who violates any criminal
22 provision of chapter 893 to pay an additional assessment in an
23 amount up to the amount of any fine imposed, pursuant to ss.
24 938.21 and 938.23.

25 b. Require the offender who violates any provision of
26 s. 893.13 to pay an additional assessment in an amount of
27 \$100, pursuant to ss. 938.25 and 943.361.

28 13. Impose a split sentence whereby the offender is to
29 be placed in a county jail or county work camp upon the
30 completion of any specified term of community supervision.

31 14. Impose split probation whereby upon satisfactory

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1 completion of half the term of probation, the Department of
2 Corrections may place the offender on administrative probation
3 pursuant to s. 948.01 for the remainder of the term of
4 supervision.

5 15. Require residence in a state probation and
6 restitution center or private drug treatment program for
7 offenders on community control or offenders who have violated
8 conditions of probation.

9 16. Impose any other sanction which is provided within
10 the community and approved as an intermediate sanction by the
11 county public safety coordinating council as described in s.
12 951.26.

13 17. Impose, as a condition of community control,
14 probation, or probation following incarceration, a requirement
15 that an offender who has not obtained a high school diploma or
16 high school equivalency diploma or who lacks basic or
17 functional literacy skills, upon acceptance by an adult
18 education program, make a good faith effort toward completion
19 of such basic or functional literacy skills or high school
20 equivalency diploma, as defined in s. 1003.435 ~~229-814~~, in
21 accordance with the assessed adult general education needs of
22 the individual offender.

23 Section 1042. Subsection (15) of section 943.10,
24 Florida Statutes, is amended to read:

25 943.10 Definitions; ss. 943.085-943.255.--The
26 following words and phrases as used in ss. 943.085-943.255 are
27 defined as follows:

28 (15) "Public criminal justice training school" means
29 ~~any school defined in s. 228.041, or any academy operated by~~
30 an employing agency, that is certified by the commission to
31 conduct criminal justice training courses.

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1 Section 1043. Paragraph (c) of subsection (1) of
2 section 943.22, Florida Statutes, is amended to read:

3 943.22 Salary incentive program for full-time
4 officers.--

5 (1) For the purpose of this section, the term:

6 (c) "Community college degree or equivalent" means
7 graduation from an accredited community college or having been
8 granted a degree pursuant to s. 1007.25(10) ~~240.239~~ or
9 successful completion of 60 semester hours or 90 quarter hours
10 and eligibility to receive an associate degree from an
11 accredited college, university, or community college.

12 Section 1044. Paragraphs (b), (c), and (i) of
13 subsection (3) of section 944.801, Florida Statutes, are
14 amended to read:

15 944.801 Education for state prisoners.--

16 (3) The responsibilities of the Correctional Education
17 Program shall be to:

18 (b) ~~In cooperation with the Department of Education,~~
19 ~~pursuant to s. 229.565,~~ Monitor and assess all inmate
20 education program services and report the results of such
21 evaluation in the annual report of activities.

22 (c) ~~In cooperation with the Department of Education,~~
23 ~~pursuant to s. 229.8075,~~ Develop complete and reliable
24 statistics on the educational histories, the city/intracity
25 area and school district where the inmate was domiciled prior
26 to incarceration, the participation in state educational and
27 training programs, and the occupations of inmates confined to
28 state correctional facilities. The compiled statistics shall
29 be summarized and analyzed in the annual report of
30 correctional educational activities required by paragraph (f).

31 (i) Ensure that every inmate who has 2 years or more

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1 remaining to serve on his or her sentence at the time that he
2 or she is received at an institution and who lacks basic and
3 functional literacy skills as defined in s. 1004.02 ~~239.105~~
4 attends not fewer than 150 hours of sequential instruction in
5 a correctional adult basic education program. The basic and
6 functional literacy level of an inmate shall be determined by
7 the average composite test score obtained on a test approved
8 for this purpose by the State Board of Education.

9 1. Upon completion of the 150 hours of instruction,
10 the inmate shall be retested and, if a composite test score of
11 functional literacy is not attained, the department is
12 authorized to require the inmate to remain in the
13 instructional program.

14 2. Highest priority of inmate participation shall be
15 focused on youthful offenders and those inmates nearing
16 release from the correctional system.

17 3. An inmate shall be required to attend the 150 hours
18 of adult basic education instruction unless such inmate:

19 a. Is serving a life sentence or is under sentence of
20 death.

21 b. Is specifically exempted for security or health
22 reasons.

23 c. Is housed at a community correctional center, road
24 prison, work camp, or vocational center.

25 d. Attains a functional literacy level after
26 attendance in fewer than 150 hours of adult basic education
27 instruction.

28 e. Is unable to enter such instruction because of
29 insufficient facilities, staff, or classroom capacity.

30 4. The Department of Corrections shall provide classes
31 to accommodate those inmates assigned to correctional or

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1 public work programs after normal working hours. The
2 department shall develop a plan to provide academic and
3 vocational classes on a more frequent basis and at times that
4 accommodate the increasing number of inmates with work
5 assignments, to the extent that resources permit.

6 5. If an inmate attends and actively participates in
7 the 150 hours of instruction, the Department of Corrections
8 may grant a one-time award of up to 6 additional days of
9 incentive gain-time, which must be credited and applied as
10 provided by law. Active participation means, at a minimum,
11 that the inmate is attentive, responsive, cooperative, and
12 completes assigned work.

13 Section 1045. Paragraphs (a) and (b) of subsection (9)
14 of section 948.03, Florida Statutes, are amended to read:

15 948.03 Terms and conditions of probation or community
16 control.--

17 (9)(a) As a condition of community control, probation,
18 or probation following incarceration, require an offender who
19 has not obtained a high school diploma or high school
20 equivalency diploma or who lacks basic or functional literacy
21 skills, upon acceptance by an adult education program, to make
22 a good faith effort toward completion of such basic or
23 functional literacy skills or high school equivalency diploma,
24 as defined in s. 1003.435 ~~229-814~~, in accordance with the
25 assessed adult general education needs of the individual
26 offender. The court shall not revoke community control,
27 probation, or probation following incarceration because of the
28 offender's inability to achieve such skills or diploma but may
29 revoke community control, probation, or probation following
30 incarceration if the offender fails to make a good faith
31 effort to achieve such skills or diploma. The court may grant

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1 early termination of community control, probation, or
2 probation following incarceration upon the offender's
3 successful completion of the approved program. As used in
4 this subsection, "good faith effort" means the offender is
5 enrolled in a program of instruction and is attending and
6 making satisfactory progress toward completion of the
7 requirements.

8 (b) A juvenile on community control who is a public
9 school student must attend a public adult education program or
10 a dropout prevention program, pursuant to s. 1003.53 ~~230-2316~~,
11 which includes a second chance school or an alternative to
12 expulsion, if the school district where the juvenile is
13 enrolled offers such programs, unless the principal of the
14 school determines that special circumstances warrant
15 continuation in the regular educational school program.

16 Section 1046. Paragraph (b) of subsection (9) and
17 subsection (27) of section 984.03, Florida Statutes, are
18 amended to read:

19 984.03 Definitions.--When used in this chapter, the
20 term:

21 (9) "Child in need of services" means a child for whom
22 there is no pending investigation into an allegation or
23 suspicion of abuse, neglect, or abandonment; no pending
24 referral alleging the child is delinquent; or no current
25 supervision by the Department of Juvenile Justice or the
26 Department of Children and Family Services for an adjudication
27 of dependency or delinquency. The child must also, pursuant to
28 this chapter, be found by the court:

29 (b) To be habitually truant from school, while subject
30 to compulsory school attendance, despite reasonable efforts to
31 remedy the situation pursuant to ss. 1003.26 ~~232-17~~ and

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1 1003.27 ~~232.19~~ and through voluntary participation by the
2 child's parents or legal custodians and by the child in family
3 mediation, services, and treatment offered by the Department
4 of Juvenile Justice or the Department of Children and Family
5 Services; or

6 (27) "Habitually truant" means that:

7 (a) The child has 15 unexcused absences within 90
8 calendar days with or without the knowledge or justifiable
9 consent of the child's parent or legal guardian, is subject to
10 compulsory school attendance under s. 1003.21(1) and (2)(a)
11 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.
12 1003.24 ~~232.09~~, or any other exemptions specified by law or
13 the rules of the State Board of Education.

14 (b) Activities to determine the cause, and to attempt
15 the remediation, of the child's truant behavior under ss.
16 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~, have been completed.

17
18 If a child who is subject to compulsory school attendance is
19 responsive to the interventions described in ss. 1003.26
20 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ and has completed the
21 necessary requirements to pass the current grade as indicated
22 in the district pupil progression plan, the child shall not be
23 determined to be habitually truant and shall be passed. If a
24 child within the compulsory school attendance age has 15
25 unexcused absences within 90 calendar days or fails to enroll
26 in school, the State Attorney may, or the appropriate
27 jurisdictional agency shall, file a child-in-need-of-services
28 petition if recommended by the case staffing committee, unless
29 it is determined that another alternative action is
30 preferable. The failure or refusal of the parent or legal
31 guardian or the child to participate, or make a good faith

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1 effort to participate, in the activities prescribed to remedy
2 the truant behavior, or the failure or refusal of the child to
3 return to school after participation in activities required by
4 this subsection, or the failure of the child to stop the
5 truant behavior after the school administration and the
6 Department of Juvenile Justice have worked with the child as
7 described in ss. 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ shall
8 be handled as prescribed in s. 1003.27 ~~232.19~~.

9 Section 1047. Section 984.05, Florida Statutes, is
10 amended to read:

11 984.05 Rules relating to habitual truants; adoption by
12 State Board ~~Department~~ of Education and Department of Juvenile
13 Justice.--The Department of Juvenile Justice and the State
14 Board ~~Department~~ of Education shall work together on the
15 development of, and shall adopt, rules as necessary for the
16 implementation of ss. ~~232.19~~, 984.03(27), ~~and~~ 985.03(25), and
17 1003.27.

18 Section 1048. Subsection (1) of section 984.151,
19 Florida Statutes, is amended to read:

20 984.151 Truancy petition; prosecution; disposition.--

21 (1) If the school determines that a student subject to
22 compulsory school attendance has had at least five unexcused
23 absences, or absences for which the reasons are unknown,
24 within a calendar month or 10 unexcused absences, or absences
25 for which the reasons are unknown, within a 90-calendar-day
26 period pursuant to s. 1003.26(1)(b) ~~232.17(1)(b)~~, or has had
27 more than 15 unexcused absences in a 90-calendar-day period,
28 the superintendent of schools may file a truancy petition.

29 Section 1049. Subsection (3) of section 984.19,
30 Florida Statutes, is amended to read:

31 984.19 Medical, psychiatric, and psychological

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1 examination and treatment of child; physical or mental
2 examination of parent, guardian, or person requesting custody
3 of child.--

4 (3) A judge may order that a child alleged to be or
5 adjudicated a child in need of services be examined by a
6 licensed health care professional. The judge may also order
7 such child to be evaluated by a psychiatrist or a
8 psychologist, by a district school board educational needs
9 assessment team, or, if a developmental disability is
10 suspected or alleged, by the developmental disability
11 diagnostic and evaluation team of the Department of Children
12 and Family Services. The judge may order a family assessment
13 if that assessment was not completed at an earlier time. If
14 it is necessary to place a child in a residential facility for
15 such evaluation, then the criteria and procedure established
16 in s. 394.463(2) or chapter 393 shall be used, whichever is
17 applicable. The educational needs assessment provided by the
18 district school board educational needs assessment team shall
19 include, but not be limited to, reports of intelligence and
20 achievement tests, screening for learning disabilities and
21 other handicaps, and screening for the need for alternative
22 education pursuant to s. 1003.53 ~~230-2316~~.

23 Section 1050. Paragraph (b) of subsection (8) and
24 subsection (25) of section 985.03, Florida Statutes, are
25 amended to read:

26 985.03 Definitions.--When used in this chapter, the
27 term:

28 (8) "Child in need of services" means a child for whom
29 there is no pending investigation into an allegation or
30 suspicion of abuse, neglect, or abandonment; no pending
31 referral alleging the child is delinquent; or no current

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1 supervision by the Department of Juvenile Justice or the
2 Department of Children and Family Services for an adjudication
3 of dependency or delinquency. The child must also, pursuant to
4 this chapter, be found by the court:

5 (b) To be habitually truant from school, while subject
6 to compulsory school attendance, despite reasonable efforts to
7 remedy the situation pursuant to ss. 1003.26 ~~232.17~~ and
8 1003.27 ~~232.19~~ and through voluntary participation by the
9 child's parents or legal custodians and by the child in family
10 mediation, services, and treatment offered by the Department
11 of Juvenile Justice or the Department of Children and Family
12 Services; or

13 (25) "Habitually truant" means that:

14 (a) The child has 15 unexcused absences within 90
15 calendar days with or without the knowledge or justifiable
16 consent of the child's parent or legal guardian, is subject to
17 compulsory school attendance under s. 1003.21(1) and (2)(a)
18 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.
19 1003.24 ~~232.09~~, or any other exemptions specified by law or
20 the rules of the State Board of Education.

21 (b) Escalating activities to determine the cause, and
22 to attempt the remediation, of the child's truant behavior
23 under ss. 1003.26 ~~232.17~~ and 1003.27 ~~232.19~~ have been
24 completed.

25
26 If a child who is subject to compulsory school attendance is
27 responsive to the interventions described in ss. 1003.26
28 ~~232.17~~ and 1003.27 ~~232.19~~ and has completed the necessary
29 requirements to pass the current grade as indicated in the
30 district pupil progression plan, the child shall not be
31 determined to be habitually truant and shall be passed. If a

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1 child within the compulsory school attendance age has 15
2 unexcused absences within 90 calendar days or fails to enroll
3 in school, the state attorney may file a
4 child-in-need-of-services petition. Prior to filing a
5 petition, the child must be referred to the appropriate agency
6 for evaluation. After consulting with the evaluating agency,
7 the state attorney may elect to file a
8 child-in-need-of-services petition.

9 (c) A school representative, designated according to
10 school board policy, and a juvenile probation officer of the
11 Department of Juvenile Justice have jointly investigated the
12 truancy problem or, if that was not feasible, have performed
13 separate investigations to identify conditions that could be
14 contributing to the truant behavior; and if, after a joint
15 staffing of the case to determine the necessity for services,
16 such services were determined to be needed, the persons who
17 performed the investigations met jointly with the family and
18 child to discuss any referral to appropriate community
19 agencies for economic services, family or individual
20 counseling, or other services required to remedy the
21 conditions that are contributing to the truant behavior.

22 (d) The failure or refusal of the parent or legal
23 guardian or the child to participate, or make a good faith
24 effort to participate, in the activities prescribed to remedy
25 the truant behavior, or the failure or refusal of the child to
26 return to school after participation in activities required by
27 this subsection, or the failure of the child to stop the
28 truant behavior after the school administration and the
29 Department of Juvenile Justice have worked with the child as
30 described in s. 1003.27(3) ~~232.19(3)~~ shall be handled as
31 prescribed in s. 1003.27 ~~232.19~~.

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1 Section 1051. Paragraph (b) of subsection (7) of
2 section 985.04, Florida Statutes, is amended to read:

3 985.04 Oaths; records; confidential information.--

4 (7)

5 (b) Notwithstanding paragraph (a) or any other
6 provision of this section, when a child of any age is formally
7 charged by a state attorney with a felony or a delinquent act
8 that would be a felony if committed by an adult, the state
9 attorney shall notify the superintendent of the child's school
10 that the child has been charged with such felony or delinquent
11 act. The information obtained by the superintendent of schools
12 pursuant to this section must be released within 48 hours
13 after receipt to appropriate school personnel, including the
14 principal of the school of the child. The principal must
15 immediately notify the child's immediate classroom teachers.
16 Upon notification, the principal is authorized to begin
17 disciplinary actions pursuant to s. 1006.09(1)-(4) ~~232-26~~.

18 Section 1052. Subsection (5) of section 985.316,
19 Florida Statutes, is amended to read:

20 985.316 Conditional release.--

21 (5) Participation in the educational program by
22 students of compulsory school attendance age pursuant to s.
23 1003.21(1) and (2)(a) ~~232-01~~ is mandatory for juvenile justice
24 youth on conditional release or postcommitment probation
25 status. A student of noncompulsory school-attendance age who
26 has not received a high school diploma or its equivalent must
27 participate in the educational program. A youth who has
28 received a high school diploma or its equivalent and is not
29 employed must participate in workforce development or other
30 career vocational or technical education or attend a community
31 college or a university while in the program, subject to

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1 available funding.

2 Section 1053. Subsection (3) of section 985.412,
3 Florida Statutes, is amended to read:

4 985.412 Quality assurance and cost-effectiveness.--

5 (3) The department shall annually collect and report
6 cost data for every program operated or contracted by the
7 department. The cost data shall conform to a format approved
8 by the department and the Legislature. Uniform cost data shall
9 be reported and collected for state-operated and contracted
10 programs so that comparisons can be made among programs. The
11 department shall ensure that there is accurate cost accounting
12 for state-operated services including market-equivalent rent
13 and other shared cost. The cost of the educational program
14 provided to a residential facility shall be reported and
15 included in the cost of a program. The department shall submit
16 an annual cost report to the President of the Senate, the
17 Speaker of the House of Representatives, the Minority Leader
18 of each house of the Legislature, the appropriate substantive
19 and fiscal committees of each house of the Legislature, and
20 the Governor, no later than December 1 of each year.

21 Cost-benefit analysis for educational programs will be
22 developed and implemented in collaboration with and in
23 cooperation with the Department of Education, local providers,
24 and local school districts. Cost data for the report shall
25 include data collected by the Department of Education for the
26 purposes of preparing the annual report required by s.
27 1003.52(20) ~~230.23161(21)~~.

28 Section 1054. The purpose of the Legislature in
29 revising this education code is to rearrange, renumber,
30 reword, reorder, streamline, consolidate, and update the code
31 consistent with current law and the new K-20 education

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1 governance structure. It is not the purpose of the Legislature
2 in revising the education code to affect existing judicial or
3 administrative law.

4 Section 1055. Effective upon this act becoming a law,
5 the Secretary of Education, in consultation with the
6 Commissioner of Education, may establish, abolish, or
7 consolidate bureaus, sections, and subsections and may
8 reallocate duties and functions within the Department of
9 Education in order to promote effective and efficient
10 operation of the department and to implement changes to the
11 state system of education initiated by the adoption of the
12 1998 amendment to Art. IX of the State Constitution as
13 implemented by the Legislature in chapter 2001-170, Laws of
14 Florida. Authorized positions and appropriations may be
15 transferred from one budget entity to another as required to
16 implement the reorganization. This section is repealed
17 December 31, 2002.

18 Section 1056. Subsection (1) of section 187.201,
19 Florida Statutes, is repealed.

20 Section 1057. Section 2 of chapter 2000-181, Laws of
21 Florida, is repealed.

22 Section 1058. Part I of chapter 243 and chapters 228,
23 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241,
24 242, 244, and 246, Florida Statutes (2001), are repealed,
25 except that any exemption from public records or public
26 meetings laws contained in such part or chapters that has been
27 continued in effect by this act shall be considered to have
28 been transferred effective January 7, 2003, rather than
29 repealed.

30 Section 1059. In editing the manuscript for the 2002
31 Florida Statutes, the Division of Statutory Revision is

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1 directed to incorporate any amendments, by laws passed during
2 the 2002 Regular Session of the Legislature or any 2002
3 Special Sessions of the Legislature, to provisions repealed by
4 this act into the parallel successor provisions created by
5 this act. The division is further directed to transfer any
6 provisions enacted within part I of chapter 243 or chapters
7 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240,
8 241, 242, 244, and 246, Florida Statutes, by 2002 legislation
9 to parallel locations in accordance with this act.

10 Section 1060. (1) Chapters 1000, 1001, 1002, 1003,
11 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, and
12 1013, Florida Statutes, as created by this act, shall be
13 reviewed by the Legislature in the 2003 Regular Session of the
14 Legislature.

15 (2) This section is repealed July 1, 2003.

16 Section 1061. Each district school board shall develop
17 a plan for a K-12 foreign language curriculum and must submit
18 its plan to the Commissioner of Education by June 30, 2004.

19 Section 1062. Paragraph (a) of subsection (1) of
20 section 110.1099, Florida Statutes, is amended to read:

21 110.1099 Education and training opportunities for
22 state employees.--

23 (1)(a) Education and training are an integral
24 component in improving the delivery of services to the public.
25 Recognizing that the application of productivity-enhancing
26 technology and practice demands continuous educational and
27 training opportunities, a state employee may be authorized to
28 receive a voucher or grant, for matriculation fees, to attend
29 work-related courses at public community colleges, public
30 technical centers, or public universities. ~~Student credit~~
31 ~~hours generated by state employee fee waivers shall be~~

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1 ~~fundable credit hours.~~ The department may implement the
2 provisions of this section from funds appropriated to the
3 department for this purpose. In the event insufficient funds
4 are appropriated to the department, each state agency may
5 supplement these funds to support the training and education
6 needs of its employees from funds appropriated to the agency.

7 Section 1063. If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 invalidity shall not affect other provisions or applications
10 of the act which can be given effect without the invalid
11 provision or application, and to this end the provisions of
12 this act are declared severable.

13 Section 1064. Except as otherwise provided herein,
14 this act shall take effect January 7, 2003.

15
16
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 remove: everything before the enacting clause

20
21 and insert:

22 A bill to be entitled
23 An act relating to education and matters
24 connected therewith; creating the "Florida K-20
25 Education Code"; creating ch. 1000, F.S.,
26 entitled "K-20 General Provisions," consisting
27 of part I relating to general provisions, part
28 II relating to systemwide definitions, and part
29 III relating to educational compacts; creating
30 ch. 1001, F.S., entitled "K-20 Governance,"
31 consisting of part I relating to state-level

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1 governance, part II relating to school district
2 governance, part III relating to community
3 colleges, and part IV relating to state
4 universities; creating ch. 1002, F.S., entitled
5 "Student and Parental Rights and Educational
6 Choices," consisting of part I relating to
7 general provisions, part II relating to student
8 and parental rights, part III relating to
9 educational choice, and part IV relating to
10 home education, private schools, and other
11 education options; creating ch. 1003, F.S.,
12 entitled "Public K-12 Education," consisting of
13 part I relating to general provisions, part II
14 relating to school attendance, part III
15 relating to control of students, part IV
16 relating to public K-12 educational
17 instruction, part V relating to specialized
18 instruction for certain public K-12 students,
19 and part VI relating to pilot public K-12
20 education programs; creating ch. 1004, F.S.,
21 entitled "Public Postsecondary Education,"
22 consisting of part I relating to general
23 provisions, part II relating to state
24 universities, part III relating to community
25 colleges, and part IV relating to workforce
26 development education; creating ch. 1005, F.S.,
27 entitled "Nonpublic Postsecondary Education,"
28 consisting of part I relating to general
29 provisions, part II relating to the Commission
30 for Independent Education, and part III
31 relating to licensure of nonpublic

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1 postsecondary educational institutions;
2 creating ch. 1006, F.S., entitled "Support for
3 Learning and Student Services," consisting of
4 part I relating to public K-12 education
5 support for learning and student services and
6 part II relating to postsecondary educational
7 institutions; creating ch. 1007, F.S., entitled
8 "Access and Articulation," consisting of part I
9 relating to general provisions, part II
10 relating to articulation, and part III relating
11 to access to postsecondary education; creating
12 ch. 1008, F.S., entitled "Assessment and
13 Accountability," consisting of part I relating
14 to assessment, part II relating to
15 accountability, and part III relating to the
16 Council for Education Policy Research and
17 Improvement; creating ch. 1009, F.S., entitled
18 "Educational Scholarships, Fees, and Financial
19 Assistance," consisting of part I relating to
20 general provisions, part II relating to
21 postsecondary student fees, part III relating
22 to financial assistance, part IV relating to
23 prepaid college board programs, and part V
24 relating to the Florida higher education loan
25 authority; creating ch. 1010, F.S., entitled
26 "Financial Matters," consisting of part I
27 relating to general accounting requirements,
28 part II relating to financial reporting, part
29 III relating to audit requirements and
30 procedures, part IV relating to bonding, and
31 part V relating to trust funds; creating ch.

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1 1011, F.S., entitled "Planning and Budgeting,"
2 consisting of part I relating to preparation,
3 adoption, and implementation of budgets, part
4 II relating to funding for school districts,
5 part III relating to funding for workforce
6 education, part IV relating to funding for
7 community colleges, and part V relating to
8 funding for state universities; creating ch.
9 1012, F.S., entitled "Personnel," consisting of
10 part I relating to general provisions, part II
11 relating to K-20 personnel issues, part III
12 relating to public schools personnel, part IV
13 relating to public postsecondary educational
14 institutions personnel, part V relating to
15 professional development, and part VI relating
16 to the interstate compact on qualifications of
17 educational personnel; creating ch. 1013, F.S.,
18 entitled "Educational Facilities," consisting
19 of part I relating to functions of the
20 Department of Education, part II relating to
21 use and management of educational facilities,
22 part III relating to planning and construction
23 of educational facilities, and part IV relating
24 to funding for educational facilities;
25 reenacting and amending s. 20.15, F.S.,
26 relating to the Department of Education, to
27 conform; amending ss. 11.061, 11.40, 11.45,
28 23.1225, 24.121, 39.0015, 39.407, 61.13015,
29 105.061, 110.1228, 110.123, 110.151, 110.181,
30 110.205, 112.1915, 112.313, 120.52, 120.55,
31 120.81, 121.051, 121.091, 145.131, 145.19,

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1 153.77, 159.27, 163.3177, 163.3191, 195.096,
2 196.012, 196.031, 196.1983, 200.001, 200.065,
3 200.069, 201.24, 210.20, 212.04, 212.0602,
4 212.08, 213.053, 215.20, 215.82, 216.181,
5 216.301, 218.39, 220.183, 222.22, 250.115,
6 255.0515, 255.0516, 265.2861, 265.603, 267.173,
7 267.1732, 282.005, 282.103, 282.105, 282.106,
8 282.3031, 282.3063, 282.310, 284.34, 285.18,
9 287.042, 287.055, 287.064, 288.039, 288.8175,
10 295.01, 295.015, 295.016, 295.017, 295.018,
11 295.019, 295.0195, 316.003, 316.027, 316.515,
12 316.6145, 316.615, 316.70, 316.72, 318.12,
13 318.14, 320.08058, 320.20, 320.38, 322.031,
14 322.091, 322.095, 322.21, 333.03, 364.508,
15 380.0651, 381.003, 381.005, 381.0056, 381.0302,
16 391.055, 393.0657, 394.4572, 394.495, 394.498,
17 395.602, 395.605, 397.405, 397.451, 397.951,
18 402.22, 402.302, 402.3057, 409.145, 409.1757,
19 409.2598, 409.9071, 409.908, 409.9122, 411.01,
20 411.203, 411.223, 414.1251, 440.16, 445.04,
21 445.0121, 445.024, 447.203, 447.301, 447.403,
22 450.081, 450.121, 458.3145, 458.324, 459.0125,
23 468.1115, 468.607, 468.723, 471.0035, 476.114,
24 476.144, 476.178, 477.0132, 477.019, 477.0201,
25 477.023, 480.033, 481.229, 488.01, 553.415,
26 559.902, 589.09, 627.733, 627.742, 627.912,
27 633.445, 633.50, 732.402, 784.081, 817.566,
28 817.567, 877.18, 921.187, 943.10, 943.22,
29 944.801, 948.03, 984.03, 984.05, 984.151,
30 984.19, 985.03, 985.04, 985.316, and 985.412,
31 F.S.; conforming provisions and cross

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CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1-D

Amendment No. ____ (for drafter's use only)

1 references; revising provisions relating to
2 audits of the accounts and records of district
3 school boards; providing purpose of this act;
4 authorizing activities relating to the
5 reorganization of the Department of Education
6 and implementation of changes to the state
7 system of education; repealing s. 187.201(1),
8 F.S., relating to the education goals and
9 policies of the State Comprehensive Plan;
10 repealing s. 2 of ch. 2000-181, Laws of
11 Florida, relating to the repeal of s. 236.081,
12 F.S., effective June 30, 2004; repealing part I
13 of ch. 243, F.S., relating to the educational
14 institutions law, and ch. 228, 229, 230, 231,
15 232, 233, 234, 235, 236, 237, 239, 240, 241,
16 242, 244, and 246, F.S., relating to public
17 education general provisions, functions of
18 state educational agencies, the district school
19 system, personnel of the school system,
20 compulsory school attendance and child welfare,
21 courses of study and instructional aids,
22 transportation of school children, educational
23 facilities, finance and taxation of schools,
24 financial accounts and expenditures for public
25 schools, vocational, adult, and community
26 education, postsecondary education, distance
27 learning, specialized state educational
28 institutions, educational compacts, and
29 nonpublic postsecondary institutions; providing
30 duties of the Division of Statutory Revision;
31 providing for review of ch. 1000-1013, F.S.,

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CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1-D

Amendment No. ____ (for drafter's use only)

1 during the 2003 Regular Session; requiring each
2 district school board to develop a plan for a
3 K-12 foreign language curriculum; amending s.
4 110.1099, F.S.; deleting a requirement that
5 credit hours generated by state employee fee
6 waivers be fundable credit hours; providing for
7 severability; providing effective dates.

8
9 WHEREAS, Representative Jerry G. Melvin has served in
10 the Florida House of Representatives for 18 years, from
11 1968-1978 and 1995-2002, and is the current Dean of this great
12 institution, and

13 WHEREAS, Representative Jerry G. Melvin served for many
14 years on the Education Appropriations Committee, chaired the
15 Education Innovation Committee from 1997 through 2000, and has
16 chaired the Council for Lifelong Learning from 2000 through
17 2002, and

18 WHEREAS, in his many years of education chairmanship,
19 Representative Jerry G. Melvin has fought tirelessly to
20 achieve the public policy goals of the House leadership, and

21 WHEREAS, in his final year of service to this House,
22 Representative Jerry G. Melvin has accomplished his crowning
23 achievement by bringing before this body, as required in last
24 year's education governance legislation, a new, clear, concise
25 revision of the entire education code that reflects the new
26 governance structure, and

27 WHEREAS, this new education code is the largest, most
28 comprehensive piece of legislation ever brought before this
29 Legislature and epitomizes the dedication and hard work of
30 Representative Jerry G. Melvin, NOW, THEREFORE,

31